



Dual DistributionSixth session
Agenda item 45

PERMANENT STAFF REGULATIONS OF THE UNITED NATIONS

Report of the Fifth Committee

Rapporteur: Mr. Rafik ASHA (Syria)

1. In accordance with the allocation of agenda items approved by the General Assembly at its 342nd plenary meeting on 13 November 1951, the Fifth Committee considered the question of permanent staff regulations of the United Nations and the report of the Advisory Committee on Administrative and Budgetary Questions thereon.
2. At its 330th and 332nd meetings, the Committee heard introductory statements by the Secretary-General and by the Chairman of the Advisory Committee on Administrative and Budgetary Questions, and conducted a general debate. At the 333rd to 336th meetings, inclusive, the individual articles of the proposed regulations were discussed.
3. In introducing the subject, the Secretary-General explained his general position on the regulations and emphasized the fact that the proposals before the Committee were based on the most thorough study, with a wide area of complete agreement involving the specialized agencies, the Advisory Committee on Administrative and Budgetary Questions and the United Nations Staff Council.
4. The Secretary-General commented briefly on proposed regulations 9.1 and 9.1 A, and a summary of his views on these particular regulations will be found in paragraphs 20 and 26 of the present report.
5. The Secretary-General explained to the Committee, in addition, his views on some correlative questions of personnel policy, as background for consideration of the regulations themselves. Major points emphasized by the Secretary-General included:

- (a) His conviction that the permanent or career appointment must and would constitute the normal status of the regular personnel of the Secretariat;
- (b) The care with which he had so far selected his permanent staff, in accordance with his own determination, and repeated instructions from General Assembly organs, to raise the personnel standards in the Secretariat;
- (c) The importance of the distinction between permanent, fixed-term and temporary indefinite appointments, and the guiding lines he proposed to follow in using these different types of appointment;
- (d) His view that the number of permanent appointments should not exceed in the present circumstances some 70 to 75 per cent of the established posts;
- (e) His plan to increase substantially the number of permanent appointments during 1952 and 1953, after a thorough review of the temporary staff appointed prior to 1 January 1950 by a responsible Committee, including a staff representative;
- (f) His intention to place as many of the staff on permanent appointments as could be done with prudence so reducing the number of uncertain cases to a minimum; to reserve temporary appointments for beginning periods of service, for such unavoidable cases as employment for sessions of the General Assembly and other requirements of short duration, and for a small number of staff members who may not be granted permanency because of formal restrictions.
- (g) His assurance that the review of status of staff members on temporary appointments would be conducted with scrupulous fairness towards the individuals concerned; that those who received termination notices would be able to utilize the machinery of the Appeals Board which advises the Secretary-General; and that within the broad standards of the "interest of the United Nations" it would be the practice in most cases to require the Bureau of Personnel to inform staff members of the reasons for termination.
- (h) His belief that General Assembly approval of the proposed regulations, following last year's action on the salary, allowance and leave system, would provide an essential basis for a stabilized and outstanding Secretariat, and would make it possible to reach a high degree of unity within the staff and of co-operative staff relations.

6. The Chairman of the Advisory Committee made a brief introductory statement on the proposed regulations, referring to his Committee's more detailed recommendations and observations (A/1855), and confining his remarks mainly to regulations 9.1 and 9.1A, since the proposed texts of these regulations represented a change from earlier texts recommended by the Advisory Committee. He emphasized the importance of clarifying regulation 9.1, and of making more precise the distinction between permanent, fixed-term and other temporary appointments. He expressed the Advisory Committee's pre-occupation with the question of security of tenure, and indicated the pleasure with which he had heard the assurance given to the Fifth Committee by the Secretary-General. As regards regulation 9.1A, he stated that he could, on behalf of his Committee, give assurance that the text of this particular regulation would be dropped, in view of the indication by the Secretary-General that he would, in due course, introduce a staff rule on the subject of probation.

7. In the general debate on the proposed regulations, comments centred on a number of major points. The importance of the staff regulations in defining the rights and obligations of the staff, the general policies governing staff administration, and the authority of the Secretary-General in these matters was generally recognized. The extent to which the regulations should be limited to general principles was explored, with some delegations offering the view that provisions considerably more detailed than those recommended by the Advisory Committee on Administrative and Budgetary Questions should be incorporated. The extent to which the staff should be granted permanent appointments, and relative security of tenure, was discussed. The paramount importance of regulation 9.1 relating to the conditions of termination was repeatedly emphasized, with many delegations pointing out the necessity of achieving a proper balance between conferring the necessary authority on the Secretary-General to achieve and maintain a Secretariat of the highest quality on the one hand, and giving appropriate protection to the rights of staff members on the other. A number of references were made to the importance of the Administrative Tribunal in connexion with staff rights and, while the independence of the Tribunal and the binding nature of its judgments were underlined, it was generally agreed that it was for the General Assembly to fix, and if necessary clarify, the basic regulations and conditions of staff appointments which the Tribunal, in accordance with its statute, might then be called upon to interpret.

8. The Fifth Committee then discussed, article by article, the text of the staff regulations as proposed by the Advisory Committee, using as a basis for voting document A/C.5/L.163. Except as indicated in paragraphs 9 through 30 below, the Fifth Committee approved the regulations as proposed, with little or no discussion, and without consideration of any amendments.

9. Regulation 1.1

This regulation was adopted by the Committee, after the Iraqi and Syrian delegations had emphasized the principle, with which the Secretary-General concurred, that impartiality was one of the essential requisites of an international civil servant.

10. Regulation 1.2

This regulation was adopted, after a brief discussion in which the Secretary-General assured the Committee that it was his policy to take considerations of health, family and previous mission service into account when selecting staff for mission assignments, and that the regulation covered only such assignments as were within the Secretary-General's competence.

11. Regulation 1.4 This regulation was adopted, with the understanding that such activities as lectures, speeches and assistance in the writing of books were covered, and were undertaken by the staff only with the Secretary-General's permission.

12. Regulation 1.7

The Committee discussed this regulation at some length. The speakers appeared to be grouped generally into (1) those who supported the restrictive text proposed by the Advisory Committee on Administrative and Budgetary Questions; (2) those who would accept this text, with the inclusion in the Fifth Committee's report of the Advisory Committee's observations relating to exceptions which the Secretary-General might authorize (see A/1855, page 9); and (3) those who favoured the less restrictive text which had been supported by the Administrative Committee on Co-ordination and the United Nations Staff Council (see A/1912, paragraphs 9 and 10). The Secretary-General stated that he did not interpret the word "honour" as used in the proposed regulation, to cover academic awards, and also that social gifts were obviously not intended to be within the prohibition. An amendment proposed by the Indian delegation, to insert after the word "government" the words "nor, except in special circumstances and with the express concurrence of the Secretary-General", was rejected by 22 votes to 8, with 8

/abstentions

abstentions. The Committee then decided against making specific reference, in its report to the General Assembly, to the Advisory Committee's observations on regulation 1.7. At the conclusion of the discussion, regulation 1.7, as recommended by the Advisory Committee, was adopted by 37 to none, with 4 abstentions.

13. Regulation 3.1 and Annex I

This regulation and annex were approved without objection after agreement that the last sentence of paragraph 2 of the annex would be changed to make it clear that the special proviso relating to the representation allowance of the Executive Assistant to the Secretary-General was intended only to apply to the incumbent of this post at the time the regulations were adopted.

14. Regulation 4.1 and annex II

Discussion of regulation 4.1 centred on an amendment proposed by the Netherlands (A/C.5/L.166) which would require that the letters of appointment which the Secretary-General and staff members sign should cover a number of specific matters to be enumerated in an annex II to the staff regulations. It was pointed out that the points to be covered in this proposed annex were with very minor exceptions already covered in the letters of appointment used in the Secretariat at the present time. There was general acceptance of the proposal to specify these points in an annex. After acceptance by the Netherlands of three amendments which would have the effect of (1) indicating that letters of appointment were subject to changes which may duly be made in the staff regulations and staff rules from time to time; (2) adding the words "if any" after the reference to the period of probation; and (3) deleting the word "annual" in reference to salary increments, the Committee approved the Netherlands amendment to regulation 4.1 by 35 votes to 1, with 5 abstentions. Moreover, it was emphasized that reference to increments should not be interpreted as meaning that increments would be automatically granted. It then adopted each paragraph of the proposed annex II, either without objection or by specific vote, and finally approved without objection regulation 4.1 with its annex II as amended.

15. Regulation 4.3

This regulation was approved unanimously after it was pointed out that it expressly stated that "the principles of the Charter" were to be the guiding basis for the selection of staff. There was some discussion of the phrase "on a

competitive basis" and the Committee accepted the expression of view by the representative of Belgium that it was most important that the statement of principle in the regulation should be carried into the day-to-day recruitment practices of the Secretariat.

16. Regulation 4.4

In approving this regulation, the Committee accepted without objection a drafting amendment proposed by the Indian delegation by which the words "inflow of fresh talent" would be changed to "recruitment of fresh talent". This regulation was interpreted by the Secretary-General as meaning that, all other things being equal preference in the filling of vacancies would be given to those already on the staff.

17. Regulation 4.5

This regulation was adopted by 36 votes to 2, with 2 abstentions.

18. Regulation 5.2

This regulation was adopted by 30 votes to 6, with 4 abstentions. In explaining their votes, the Representatives of Australia, The Union of South Africa and the Netherlands indicated that their views on the frequency of home leave as expressed at the fifth session of the General Assembly had not changed.

19. Regulation 8.2

This regulation was adopted without amendment and without objection, after the Secretary-General had pointed out that the joint administrative machinery already in operation had been set up after consultation with the Staff Committee.

20. Regulation 9.1

There was complete agreement that regulation 9.1 was of the utmost importance, and the Committee consequently made it the subject of a thorough discussion. In his memorandum presenting this regulation (A/1912, Add.1) and in introducing the discussion, the Secretary-General had placed emphasis on the following points:

(a) It was important to distinguish clearly between the conditions governing the termination of permanent appointments, fixed-term appointments and other temporary appointments, including the so-called temporary-indefinite appointment;

(b) The degree of security which had from the beginning been provided for permanent or career staff should be confirmed, and the authority conferred by the General Assembly on the Secretary-General to terminate temporary appointments should be precisely stated;

/(c) It

(c) It was essential that it should be clearly understood that temporary appointments, apart from those for a fixed-term, may be terminated at any time whenever the Secretary-General considered that such action would be in the interests of the United Nations;

(d) It was evident from the records of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions that it was always intended that the Secretary-General should have the right to terminate temporary appointments freely and in his discretion, in order to improve the calibre of the staff and to develop eventually a permanent staff which would meet the high standards envisaged by the Charter;

(e) The phrase "in his opinion" in proposed regulation 9.1(c) was identical with the language in article 9 of the Statute of the Administrative Tribunal which had received an authoritative interpretation in the debates of the Fifth Committee and in the practice of the Tribunal;

(f) As a clarification of the existing regulations and rules on termination the proposed regulation 9.1 would be applicable to existing as well as to future appointments. Finally, the Secretary-General pointed to the fact that he and the Advisory Committee were in complete agreement on the text which had been proposed to the Fifth Committee.

21. A proposed amendment to the text recommended by the Advisory Committee for regulation 9.1 was submitted jointly by Chile, Colombia and Mexico (A/C.5/L.168), and became the focal point for much of the Fifth Committee's discussion. In putting forth this amendment the sponsors stated that their intention was to simplify the Secretary-General's task of selecting his career staff, while maintaining at the same time adequate protection for the rights of the staff. Briefly, this amendment would: (1) constitute the first two years of service under all types of appointment as a probationary period, during which the Secretary-General would be authorized to terminate any such appointments if, in his opinion such action would be in the interests of the United Nations, (2) limit the conditions for the termination of staff who had completed two years of service to those previously applied only to permanent appointments, or with an additional provision for terminations "in the interests of the United Nations" it being understood that the latter reason if used would be reviewable; (3) specify a period of two years after the entry into force of the new regulations during which the Secretary-General would be authorized to terminate any appointment if, in his
/opinion,

opinion, such termination would be in the interests of the United Nations. After considerable discussion of the effect of the joint amendment, the sponsors accepted some suggested revisions which would have the effect of limiting the reasons for termination after two years of service to those provided for permanent appointments, and excluding permanent appointments from the provisional authority which the Secretary-General would be authorized to use in terminating appointments at his discretion within the two years after the entry into force of the new regulations.

22. A number of delegations, in commenting on the joint amendments, expressed their preference for postponing the decision to fix an exact probationary period - a postponement the Secretary-General had proposed - and also their concern that the joint amendment would seem to remove, after two years of service, the essential distinction between permanent and temporary appointments. Several delegations referred to the assurances given by the Secretary-General regarding his programme to increase the number of permanent appointments during 1952 and 1953 after a thorough review of the present temporary staff, and stated that this assurance made it possible for them to agree with the text of 9.1 as proposed by the Advisory Committee on Administrative and Budgetary Questions. In reply to a question, the Secretary-General assured the Committee that he would report annually to the General Assembly the number of terminations under each part of regulation 9.1, in accordance with the recommendation of the Advisory Committee.

23. The Belgian delegation proposed an amendment to the text recommended by the Advisory Committee for paragraph (a) of regulation 9.1 and accepted a textual modification of its proposal suggested by the Chairman of the Advisory Committee. This amendment would (1) insert the phrase "Subject to the provisions of regulation 10.2" at the beginning of regulation 9.1(a); (2) insert the word "not" after the word "may" in the first line; and (3) substitute the word "unless" for the word "if" in the fifth line, and allow for appropriate modification of the remaining text.

24. In accordance with a request by the representative of Colombia a vote was taken by roll call on the joint amendment by Chile, Colombia and Mexico, with the following result:

In favour: Brazil, Chile, Colombia, Mexico.

Against:

Against: Afghanistan, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, France, Greece, Honduras, Iceland, India, Indonesia, Iran, Iraq, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Poland, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen.

Abstaining: Burma, Cuba, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Israel, Liberia, Peru, Philippines, Yugoslavia.

The joint amendment was rejected by 35 votes to 4, with 12 abstentions.

25. The Committee then rejected by 23 votes to 12, with 13 abstentions, the Belgian amendment to paragraph (a) of regulation 9.1. The Committee adopted paragraphs (a) and (b) as recommended by the Advisory Committee by 46 votes to 1, with 3 abstentions. Paragraph (c) of regulation 9.1, as recommended by the Advisory Committee, was then adopted by 39 votes to 7, with 5 abstentions. Regulation 9.1 as a whole was adopted by 42 votes to 6, with 3 abstentions.

The representative of the Union of Soviet Socialist Republics stated that his delegation could not agree with the proposed text for regulation 9.1(c) since this gave the Secretary-General unlimited powers as regards the termination of contracts of temporary employees and was therefore not in accordance with the rights of the Secretary-General as determined by the Charter.

26. Regulation 9.1A

This regulation was withdrawn by the Advisory Committee after some discussion and a suggestion by the Secretary-General that the matter of fixing a probationary period in the regulations should be postponed for consideration at the next session of the General Assembly. He assured the Fifth Committee that a report from him covering this subject would be presented at that session.

27. Regulation 9.3 and annex III

In approving regulation 9.3 and annex III, fixing the rates and conditions of termination indemnity, the Committee took note of the fact that no provision was made for the payment of termination indemnity upon the expiration of a fixed-term appointment, regardless of the length of the staff member's service and the number of such appointments on which he had served. The Secretary-General indicated that he would consider this question, and perhaps discuss it with the Advisory Committee during the coming year.

28. Regulation 10.2

Discussion of this regulation brought out the intention of the Advisory Committee to distinguish clearly between the majority of disciplinary cases on the one hand and occasional incidents of serious misconduct on the other. The authority of the Secretary-General summarily to dismiss the staff member in the latter type of case without the utilization of the joint machinery provided for in regulation 10.1 which would be used in normal disciplinary cases, was a key point in the debate. An amendment by the delegation of Yugoslavia to replace the proposed regulation 10.2 by the text proposed by the United Nations Staff Council (A/1912 paragraph 10) was rejected by 15 votes to 5, with 20 abstentions. An amendment by the Belgian delegation which would provide for suspension rather than summary dismissal in cases of serious misconduct was rejected by 14 votes to 3, with 24 abstentions. A slight drafting amendment which would delete the word "however" in the second sentence and make separate paragraphs of the two sentences in the proposed regulation was generally agreed, and regulation 10.2, so amended, was approved by 34 votes to none, with 5 abstentions.

29. Regulation 11.1

This regulation was adopted after it was pointed out to the Committee that the existing Appeals Board did in fact exercise conciliatory as well as advisory functions.

30. Regulation 12.2

This regulation was adopted without objection, after the Secretary-General's assurance that by accepting the Advisory Committee's text of this regulation he would communicate the staff rules annually to the General Assembly.

31. The Fifth Committee then approved as a whole the text recommended by the Advisory Committee on Administrative and Budgetary Questions for the "Staff Regulations of the United Nations", as amended, by 46 votes to none, with 4 abstentions.

32. In consequence, the Fifth Committee recommends to the General Assembly the adoption of the following resolution:

STAFF REGULATIONS OF THE UNITED NATIONS

The General Assembly:

Adopts as the Staff Regulations of the United Nations the regulations annexed to the present resolution. These regulations, which shall supersede all previous staff regulations, shall become effective on 1 March 1952.

SCOPE AND PURPOSE

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the United Nations Secretariat. They represent the broad principles of personnel policy for the staffing and administration of the Secretariat. The Secretary-General, as the Chief Administrative Officer, shall provide and enforce such Staff Rules consistent with these principles as he considers necessary.

ARTICLE I

DUTIES, OBLIGATIONS AND PRIVILEGES

1.1 Members of the Secretariat 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 interests of the United Nations only in view.

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

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

1.4 Members of the Secretariat 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 United Nations. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status.

/While they

While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

1.5 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 Secretary-General. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Secretariat.

1.6 No member of the Secretariat shall accept any honour, decoration, favour, gift or fee from any government or from any other source external to the Organization during the period of his appointment, except for war service.

1.7 Any member of the Secretariat who becomes a candidate for a public office of a political character shall resign from the Secretariat.

1.8 The immunities and privileges attached to the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. In any case where these privileges and immunities arise, the staff member shall immediately report to the Secretary-General, with whom alone it rests to decide whether they shall be waived.

1.9 Members of the Secretariat shall subscribe to the following oath or declaration:

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Organization".

1.10 The oath or declaration shall be made orally by the Secretary-General and Assistant Secretaries-General at a public meeting of the General Assembly and by all other members of the Secretariat before the Secretary-General or his authorized deputy.

ARTICLE II.

CLASSIFICATION OF POSTS AND STAFF

2.1 In conformity with principles laid down by the General Assembly, the Secretary-General shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required.

ARTICLE III.

SALARIES AND RELATED ALLOWANCES

3.1 Salaries of staff members shall be fixed by the Secretary-General in accordance with the provisions of annex I to the present regulations.

3.2 The Secretary-General shall establish a scheme for the payment of children's allowances and education grants under the conditions specified in annex IV to the present regulations.

ARTICLE IV.

APPOINTMENT AND PROMOTION

4.1 As stated in Article 101 of the Charter, the power of appointment of staff members rests with the Secretary-General. Upon appointment each staff member shall receive a letter of appointment in accordance with the provisions of annex II to the present regulations and signed by the Secretary-General or by an official in the name of the Secretary-General.

4.2 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.

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. So far as is practicable, selection shall be made on a competitive basis.

4.4 Subject to the provisions of Article 101, paragraph 3, of the Charter, and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be had, in filling vacancies, to the requisite qualifications

/and experience

and experience of persons already in the service of the United Nations. This consideration shall also apply on a reciprocal basis, to the specialized agencies brought into relationship with the United Nations.

4.5 Appointments of Assistant Secretaries-General, Principal Directors and officials of comparable status shall normally be for a period of five years, subject to prolongation or renewal. Other staff members shall be granted either permanent or temporary appointments under such terms and conditions consistent with these regulations as the Secretary-General may prescribe.

4.6 The Secretary-General shall establish appropriate medical standards which staff members shall be required to meet before appointment.

ARTICLE V

ANNUAL AND SPECIAL LEAVE

5.1 Staff members shall be allowed appropriate annual leave.

5.2 Special leave may be authorized by the Secretary-General in exceptional cases.

5.3 Eligible staff members shall be granted home leave once in every two years. A staff member whose home country is the country of his official duty station or who continues to reside in his home country while performing his official duties shall not be eligible for home leave.

ARTICLE VI

SOCIAL SECURITY

6.1 Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that fund.

6.2 The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the United Nations.

ARTICLE VII

TRAVEL AND REMOVAL EXPENSES

7.1 Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall in appropriate cases pay the travel expenses of staff members and their dependents.

7.2 Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall pay removal costs for staff members.

ARTICLE VIII

STAFF RELATIONS

8.1 (a) A Staff Council, elected by the staff, shall be established for the purpose of ensuring continuous contact between the staff and the Secretary-General. The Council shall be entitled to make proposals to the Secretary-General for improvements in the situation of staff members, both as regards their conditions of work and their general conditions of life.

(b) The Staff Council shall be composed in such a way as to afford equitable representation to all levels of the staff.

(c) Election of the Staff Council shall take place annually under regulations drawn up by the Staff Council and agreed to by the Secretary-General.

8.2 The Secretary-General shall establish joint administrative machinery with staff participation to advise him regarding personnel policies and general questions of staff welfare and to make to him such proposals as it may desire for amendment of the staff regulations and rules.

ARTICLE IX

SEPARATION FROM SERVICE

9.1 (a) The Secretary-General may 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 services of the individual concerned prove unsatisfactory, or if he is, for reasons of health, incapacitated for further service.

/(b) The

(b) The Secretary-General may terminate the appointment of a staff member with a fixed-term appointment prior to the expiration date for any of the reasons specified in paragraph (a) above, or for such other reason as may be specified in the letter of appointment.

(c) In the case of all other staff members, including staff members serving a probationary period for a permanent appointment, the Secretary-General may at any time terminate the appointment, if, in his opinion, such action would be in the interest of the United Nations.

9.2 Staff members may resign from the Secretariat upon giving the Secretary-General the notice required under the terms of their appointment.

9.3 If the Secretary-General terminates an appointment the staff member shall be given such notice and such indemnity payment as may be applicable under the Staff Regulations and Staff Rules. Payments of termination indemnity shall be made by the Secretary-General in accordance with the rates and conditions specified in annex III to the present regulations.

9.4 The Secretary-General shall establish a scheme for the payment of repatriation grants within the maximum rates and under the conditions specified in annex IV to the present regulations.

9.5 Staff members shall not be retained in active service beyond the age of sixty years. The Secretary-General may, in the interest of the Organization, extend this age limit in exceptional cases.

ARTICLE X

DISCIPLINARY MEASURES

10.1 The Secretary-General may establish administrative machinery with staff participation which will be available to advise him in disciplinary cases.

10.2 The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory.

He may summarily dismiss a member of the staff for serious misconduct.

ARTICLE XI

APPEALS

11.1 The Secretary-General shall establish administrative machinery with staff participation to advise him in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of

/appointment

appointment, including all pertinent regulations and rules, or against disciplinary action.

11.2 The United Nations Administrative Tribunal shall, under conditions prescribed in its statute, hear and pass judgment upon applications from staff members alleging non-observance of their terms of appointment, including all pertinent regulations and rules.

ARTICLE XII

GENERAL PROVISIONS

12.1 These regulations may be supplemented or amended by the General Assembly, without prejudice to the acquired rights of staff members.

12.2 The Secretary-General shall report annually to the General Assembly such Staff Rules and amendments thereto as he may make to implement these Regulations.

ANNEX I

SALARY SCALES AND RELATED PROVISIONS

1. An Assistant Secretary-General shall receive a salary of \$23,000 (US), subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) of 18 November 1948 and to such changes as may be directed from time to time by the General Assembly, together with an allowance varying from \$7,000 (US) to \$10,000 (US) at the Secretary-General's discretion.

The allowances for Assistant Secretaries-General are deemed to include all representation (including hospitality) and special allowances, such as housing, education and children's allowances, but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or termination of appointment with the Organization, official travel and home leave travel.

2. A Principal Director shall receive a salary of \$17,000 (US) rising after two years of satisfactory service to \$18,000 (US), (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and such changes as may be directed from time to time by the General Assembly and to salary differentials wherever applied), and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, he shall receive a representation allowance varying from \$1,000 (US) to \$3,500 (US), at the Secretary-General's discretion, provided that the incumbent of the post of Executive Assistant to the Secretary-General at the time the present annex is adopted may receive a representation allowance up to and not exceeding \$5,500 (US).

3. A Director shall receive a salary of \$15,000 (US) rising in two-yearly increments of \$800 each to \$17,400 (US) (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied), and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, the Secretary-General is authorized at his discretion to grant in special cases a representation allowance up to an amount of \$1,500 (US).

4. Except as provided in paragraph 6 of the present annex, the salary scales for staff members in the Principal Officer and Director category and in the Professional category shall be as follows (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied):

Salary Scales

(Subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly)

	<u>Step I</u>	<u>Step II</u>	<u>Step III</u>	<u>Step IV</u>	<u>Step V</u>	<u>Step VI</u>	<u>Step VII</u>	<u>Step VIII</u>	<u>Step IX</u>	<u>Step X</u>
	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>	<u>\$ US</u>
<u>Principal Officer and Director Category</u>										
Principal Director	17,000	18,000								
Director	15,000	15,800	16,600	17,400						
Principal Officer	13,330	14,000	14,670	15,400	16,200	17,000				
<u>Professional Category</u>										
Senior Officer	11,310	11,690	12,080	12,500	13,000	13,500	14,000	14,500	15,000	
First Officer	9,140	9,460	9,790	10,150	10,540	10,920	11,310	11,690	12,080	12,500
Second Officer	7,330	7,600	7,870	8,180	8,500	8,820	9,140	9,460	9,790	10,150
Associate Officer	5,750	6,000	6,270	6,530	6,800	7,070	7,330	7,600	7,870	
Assistant Officer	4,250	4,500	4,750	5,000	5,250	5,500	5,750	6,000		

5. Salary increments within the levels set forth in paragraph 4 of the present annex shall be awarded annually on the basis of satisfactory service, provided that the period of satisfactory service required for increments to any salary step above \$15,000 shall be two years.
6. The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term service, to consultants, to field service personnel, and to technical assistance experts and social welfare advisers.
7. The Secretary-General shall fix the salary scales for staff members in the General Service category and the salary or wage rates for manual workers, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations Office concerned, provided that the Secretary-General may, where he deems it appropriate, establish rules and salary limits for payment of a non-resident's allowance to General Service staff members recruited from outside the local area.
8. The Secretary-General shall establish rules under which an extra payment may be paid to General Services staff members who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages, such payment to be equivalent to an additional step increment which would continue beyond the maximum of the salary level of the staff member concerned.
9. The Secretary-General may adjust the basic salary rates provided in paragraphs 1, 2, 3 and 4 for duty stations away from Headquarters, by the application of salary differentials which take into account relative costs of living, standards of living and related factors; provided that initial differentials shall be no less than 5 per cent with minimum adjustments in multiples of 5 per cent, and provided further that these differentials shall be applied only to 75 per cent of base salaries.

ANNEX II

LETTERS OF APPOINTMENT

- A. The letter of appointment shall state:
- (1) That the appointment is subject to the provisions of the staff regulations and of the staff rules applicable to the category of appointment in question, and to changes which may be duly made in such regulations and rules from time to time;
 - (2) The nature of the appointment;
 - (3) The date at which the staff member is required to enter upon his duties;
 - (4) The period of appointment, the notice required to terminate it and the period of probation, if any;
 - (5) The category, level, commencing rate of salary, and if increments are allowable, the scale of increments, and the maximum attainable;
 - (6) Any special conditions which may be applicable.
- B. A copy of the staff regulations and of the staff rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he has been made acquainted with and accepts the conditions laid down in the staff regulations and in the staff rules.

ANNEX III

TERMINATION INDEMNITY

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

(a) Except as provided in (d) and (e) below, the following schedule shall apply to members holding permanent appointments or temporary appointments which are not for a fixed term;

Completed years of service in the Secretariat	Months of base salary or wage	
	Confirmed permanent appointments	Temporary appointments which are not for a fixed term and unconfirmed (probationary) permanent appointments
0	not applicable	nil
1	not applicable	1
2	3	1
3	3	2
4	4	3
5	5	4
6	6	5
7	7	6
8	8	7
9 or more	9	8

(b) Except as provided in (d) and (e) below, staff members who have temporary appointments for a fixed term of over six months which are terminated prior to the expiration date specified in the letter of appointment shall be paid five days indemnity pay for each month of uncompleted service, but not less than thirty working days' indemnity pay.

(c) Indemnity pay shall be calculated on the basis of the staff member's base salary or wages at the time of termination.

(d) No indemnity payment shall be made to:

- A staff member who resigns, except where termination notice has been given and the termination date agreed upon;
- A staff member who has a temporary appointment which is not for a fixed term and which is terminated during the first year of service;
- A staff member who has a temporary appointment for a fixed term which is completed on the expiration date specified in the letter of appointment;

/- A staff

- A staff member who is summarily dismissed;
- A staff member who abandons his post;
- A staff member who is retired under the United Nations Joint Staff Pension Fund Regulations.

(e) Staff members specifically engaged for conference and other short-term service or for service with a mission, as consultants, or as experts, and staff members who are locally recruited for service in established offices away from Headquarters may be paid termination indemnity if and as provided in their letters of appointment.

ANNEX IV

CHILDREN'S ALLOWANCE, EDUCATION GRANT AND REPATRIATION GRANT

1. 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 (US) per annum in respect of each child under the age of eighteen years, or, if the child is in full-time attendance at a school or a university (or similar educational institution), or is totally disabled under the age of twenty-one years; 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 (US) 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.
2. Each full-time member of the staff, with the exception of those specifically excluded by resolution of the General Assembly, entitled to receive a children's allowance under paragraph above, 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 (US) 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 (US) 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

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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 thirteen years of age or when the health of the child is such that return to the home country is not feasible;

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

3. The Secretary-General may decide in each case whether allowances or grants under paragraphs 1 and 2 above shall extend to adopted children or step-children.

4. In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate, except those terminated by summary dismissal. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall vary with the length of service with the United Nations (exclusive of periods when an expatriation allowance was received). The maximum rates payable shall be as follows:

Years of continuous service away from home country	Staff member with neither a wife, dependent husband or dependent child at time of termination (Weeks of salary)	Staff member with a wife, dependent husband or child at time of termination. (Weeks of salary)
After 2 years	4	8
" 3 "	5	10
" 4 "	6	12
" 5 "	7	14
" 6 "	8	16
" 7 "	9	18
" 8 "	10	20
" 9 "	11	22
" 10 "	12	24
" 11 "	13	26
" 12 "	14	28

The maximum grant payable under this plan shall be \$2,500 (US) net for a staff member without dependents and \$5,000 (US) net for a staff member with dependents.