

COUNCIL

108th Session

STAFF REGULATIONS AS AT 1 JANUARY 2018*

* As announced at the 108th Session of the Council, the Staff Regulations reflecting all amendments approved by the Council since 2010 are being reissued in their entirety in the present document to align the different language versions of these Regulations.

STAFF REGULATIONS AS AT 1 JANUARY 2018

SCOPE AND PURPOSE

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of staff members of the International Organization for Migration. The term “staff members” shall refer to all staff members of the Professional and General Service categories. The Director General shall provide and enforce such Staff Rules consistent with these Regulations as considered necessary.

CHAPTER 1 DUTIES, OBLIGATIONS AND PRIVILEGES

REGULATION 1.1

International Civil Servant Status

Staff members of the Organization 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 only the interests of the Organization in view.

REGULATION 1.2

Authority of the Director General

Staff members are subject to the authority of the Director General. They are responsible to him or her in the performance of their duties.

REGULATION 1.3

Instructions from Governments or Authority External to the Organization

Staff members shall neither seek nor receive instructions from any government or from any authority external to the Organization in the performance of their duties.

REGULATION 1.4

Conduct

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 refrain from any action and in particular avoid any kind of public pronouncement that might reflect adversely on their status. 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 status as international civil servants.

REGULATION 1.5
Communication of Unpublished Information

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 that has not been made public, except in the course of their duties or by authorization of the Director General, nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Organization.

REGULATION 1.6
Acceptance of Honours, Decorations, Favours, Gifts or Fees

Staff members shall not accept any honour, decoration, favour, gift or fee from any government or from any source external to the Organization during the period of appointment without the prior approval of the Director General, who shall determine whether the acceptance is compatible with the interests of the Organization.

REGULATION 1.7
Outside Activities

Staff members shall not accept or engage in any outside office or employment, whether remunerated or not, without the prior approval of the Director General, who shall determine whether the undertaking of such office or employment is compatible with the proper discharge of the duties of the staff member with the Organization.

REGULATION 1.8
Political Activities

Staff members shall not engage in any political activity that is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.

REGULATION 1.9
Privileges and Immunities

Privileges and immunities enjoyed by staff members are granted in the interests of the Organization. They furnish no excuse for non-performance of private obligations or failure to observe laws and police regulations. The decision whether to waive any privileges or immunities of the staff members in any case that arises shall rest with the Director General.

REGULATION 1.10
Oath or Declaration of Office

(a) All staff members shall subscribe to the following oath or declaration:

“I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as a staff member of the International Organization for Migration, to discharge these functions and regulate my conduct only with the interest of the Organization in view, and neither to seek nor to accept instructions with regard to the performance of my duties from any government or from any authority external to the Organization.”

- (b) The oath or declaration shall be made orally by the Director General and Deputy Director General at a public meeting of the Council of the International Organization for Migration.

CHAPTER 2 CLASSIFICATION OF POSITIONS

REGULATION 2 Classification

The Director General shall determine the classification of positions according to the nature of the duties and responsibilities required.

CHAPTER 3 SALARIES, RELATED ALLOWANCES AND GRANTS

REGULATION 3.1 Salaries

- (a) The salaries of staff members shall be determined by the Director General on the basis of the duties and responsibilities of their position, in accordance with the salary scales of the United Nations pertaining to the relevant categories.
- (b) The Director General may adjust the base salaries of staff members in the Professional categories by the application of the relevant post adjustments established by the International Civil Service Commission.
- (c) Staff members on special contracts shall be employed under conditions and at rates established by the Director General.

REGULATION 3.2 Related Allowances and Grants

Under conditions prescribed by the Director General, entitled staff members shall be paid allowances and grants at rates established by the Director General in conformity with those approved by the General Assembly of the United Nations.

REGULATION 3.3 Education Grant

- (a) Under conditions prescribed by the Director General, an education grant shall be paid to eligible staff members in the Professional categories serving outside the country of their home station for each dependent child who is in full-time attendance at a school, university or similar institution. The grant shall be payable up to the end of the school year in which the child either completes four years of post-secondary studies or attains a first post-secondary degree, whichever occurs first, but shall not be payable beyond the end of the school year during which the child reaches the age of 25 years. For compelling reasons, such as lengthy illness or national service, the Director General may extend the child's eligibility beyond the age of 25 for a period equivalent to any such interruption that exceeds the duration of one school year.

The grant shall not exceed the maximum established for this benefit by the General Assembly of the United Nations, and shall represent a percentage of expenses actually incurred in accordance with a sliding scale approved by that Assembly.

The Director General may authorize staff members who are transferred to the country of their home station to benefit from this entitlement.

- (b) Under conditions prescribed by the Director General, transportation costs for the children for whom assistance is provided with boarding expenses shall be paid for a roundtrip journey each school year by rail, automobile or air between the duty station and the location of the educational institution.
- (c) Under conditions prescribed by the Director General, tuition fees for the teaching of the mother tongue to a dependent child of an eligible staff member in the Professional categories attending a local school in which the instruction is given in a language other than his or her own shall constitute admissible education grant expenses.
- (d) Under conditions prescribed by the Director General, a special education grant and transportation costs for disabled children shall be paid to staff members of all categories, whether serving within or outside the country of their home station.

REGULATION 3.4 Income Tax Reimbursement

Eligible staff members shall be reimbursed for income taxes levied at the duty station and paid by them on salaries and allowances received from the Organization. Should those taxes be levied outside the duty station, the Director General may authorize reimbursement of such taxes.

REGULATION 3.5 Deductions for Contributions and Indebtedness

Deductions may be made from salaries and other benefits for contributions under the provisions of the Staff Regulations and Rules, and for indebtedness to the Organization.

CHAPTER 4 APPOINTMENT AND PROMOTION

REGULATION 4.1 Power of Appointment

- (a) The power of appointment of staff members rests with the Director General. Upon appointment, each staff member shall receive a letter of appointment signed by the Director General or his or her authorized representative.
- (b) Staff members in the Professional categories are subject to assignment by the Director General to any of the activities or offices of the Organization.
- (c) Staff members in the General Service categories are subject to assignment by the Director General to any of the activities within the office in which they are serving.

REGULATION 4.2
Appointment, Transfer and Promotion

- (a) Integrity, competence and efficiency shall be the necessary considerations in the appointment, transfer and promotion of staff members who, as a rule, shall be recruited among the nationals of States that are Members of the Organization, taking into account, as far as possible, their geographical distribution.
- (b) Appointment, transfer and promotion shall be made without regard to race, ethnicity, gender, political affiliation or religious belief. In principle, selection shall be on a competitive basis, with due regard to gender balance in case of equally qualified candidates.
- (c) Without prejudice to the recruitment of the best available talent at all levels, the fullest regard shall be had, in filling vacancies, to the qualifications and experience of persons already in the service of the Organization.

REGULATION 4.3
Age on Appointment

As a rule, appointments shall not be offered to candidates under the age of 18 or over 63 years of age.

REGULATION 4.4
Types of Appointments

Appointments shall be made on the basis of two types of contract:

- (a) Contracts with no fixed period of employment, or with a fixed period of employment of at least one year, subject to the Staff Regulations and Rules;
- (b) Contracts with a fixed period of employment of less than one year, subject to the Staff Regulations and Rules to the extent specified in the employment contract in each case.

REGULATION 4.5
Health Requirements

Appointments are subject to the satisfactory completion of medical examinations. Only candidates determined by a Medical Officer of the Organization to be medically fit for employment with the Organization shall be appointed.

REGULATION 4.6
Probationary Period

As a rule, the first six months of service of a staff member shall be considered a probationary period that may be extended by the Director General to a maximum of 12 months.

REGULATION 4.7
Designation of Home Station

The Director General shall designate a home station for each staff member at the time of appointment. Usually the home station will be the city of normal residence in the country of which the staff member is a national.

CHAPTER 5 ATTENDANCE AND LEAVE

REGULATION 5.1 General Working Conditions

- (a) The normal working week shall be 40 hours.
- (b) The Director General may require the work and travel of a staff member at any time.

REGULATION 5.2 Official Holidays

Ten official holidays per year will be determined for each duty station.

REGULATION 5.3 Annual Leave

- (a) Annual leave shall be granted at the rate of two and one-half working days for each calendar month of service.
- (b) Annual leave may be accumulated provided that not more than 15 days of annual leave may normally be carried forward from the calendar year in which it has accrued and that not more than 60 days shall be carried forward beyond 31 December of each year.
- (c) Annual leave may be granted in advance of accrual by the Director General in exceptional circumstances.
- (d) Periods of illness during absence on annual leave, if certified by a physician, shall not be charged to accrued annual leave.

REGULATION 5.4 Special Leave

Under conditions prescribed by the Director General, special leave with full or partial pay or without pay may be granted in exceptional cases.

REGULATION 5.5 Home Leave

- (a) Under conditions prescribed by the Director General, home leave, consisting of annual leave taken for that purpose, plus travelling time, shall be granted to eligible staff members subject to their services continuing for at least six months beyond the date of return from home leave.
- (b) Home leave shall be granted to eligible staff members once in every 24 months of qualifying service. Eligible staff members serving at duty stations designated by the Director General shall be granted home leave once in every 12 months of qualifying service.
- (c) A staff member's entitlement to home leave shall not accrue while stationed on duty in the country of his or her home station.

CHAPTER 6 SOCIAL SECURITY

REGULATION 6.1 United Nations Joint Staff Pension Fund

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.

REGULATION 6.2 Health and Accident Insurance

- (a) The Director General shall establish appropriate schemes to provide medical, hospital and health benefits to staff members, to participating retired staff members, and to their recognized dependants.
- (b) The Organization shall bear the full cost of covering the risk of accidents attributable to the performance of official duties on behalf of the Organization.

REGULATION 6.3 Sick Leave

The Director General shall establish appropriate rules governing the granting of sick leave.

REGULATION 6.4 Maternity Leave

Staff members shall be entitled to maternity leave under conditions prescribed by the Director General.

REGULATION 6.5 Other Family-related Leave

The Director General shall establish the appropriate rules governing the granting of paternity, adoption and compassionate leave.

CHAPTER 7 TRAVEL AND REMOVAL EXPENSES

REGULATION 7.1 Travel Expenses and Allowances

Under conditions prescribed by the Director General, the Organization shall pay travel expenses and travel allowances to eligible staff members and, in appropriate cases, their recognized dependants in respect of: travel on authorized duty (TDY); travel upon initial appointment; travel upon transfer; travel upon repatriation or separation; travel on home leave; family visit; medical travel; and medical evacuation.

REGULATION 7.2
Removal Expenses

Under conditions prescribed by the Director General, the Organization shall pay removal expenses for the personal effects and household goods of eligible staff members and their recognized dependants upon: appointment, transfer and separation from service.

REGULATION 7.3
Repatriation in Case of Death

- (a) Upon the death of a staff member, the Organization, under conditions prescribed by the Director General, shall arrange and pay for the transportation of the deceased and the travel of the surviving spouse and children, and the removal of their personal effects and household goods, to the place requested by the surviving spouse or other authorized person, provided the liability of the Organization does not exceed the costs the Organization would have paid for transportation to the established home station.
- (b) The provisions for the transportation of a deceased staff member shall likewise apply in the case of death of a dependant of a staff member in respect of whom repatriation expenses were payable under the provisions of Regulation 7.1.

CHAPTER 8
STAFF RELATIONS

REGULATION 8.1
Staff Association

A Staff Association may be established which, when duly constituted with elected officers representing the majority of the staff, shall be recognized as the official medium of liaison between the staff and the Administration.

The Chairperson or other elected officer designated by the Staff Association shall be entitled to make proposals to the Director General and to consult with the Administration on all matters concerning the situation of staff members both as regards their conditions of work and their general circumstances of life.

The Director General shall ensure that the Chairperson or other elected officer designated by the Staff Association is informed and consulted by the Administration on proposed changes in personnel policies or amendments to the Staff Regulations and Rules.

REGULATION 8.2
Joint Committees

The Director General shall establish joint staff-management mechanisms to advise him or her regarding personnel policies and their implementation as well as general questions of staff welfare.

REGULATION 8.3
Ombudsperson

The Director General shall establish the Office of the Ombudsperson to offer staff a channel for addressing concerns related to the work environment.

CHAPTER 9
SEPARATION FROM SERVICE

REGULATION 9.1
Mandatory Age of Separation

The mandatory age of separation is 65 years. The Director General may, in the interests of the Organization, extend the age limit in exceptional cases.

REGULATION 9.2
Resignation

Staff members may resign upon giving notice in writing as prescribed in the letter of appointment. The Director General may accept resignation on shorter notice.

REGULATION 9.3
Medical Examination during Service and upon Separation

- (a) Staff members may be required at any time to undergo a medical examination by a physician designated by the Administration. Staff members who refuse to be examined or who after examination are considered medically unfit for regular and efficient performance of duty, or a danger to other staff members, may be separated from service for health reasons. Refusal to be examined shall be considered as a waiver of all claims against the Organization arising on medical grounds.
- (b) A staff member may appeal against separation from service for health reasons pursuant to Regulation 9.3(a) to a medical board composed of three qualified medical practitioners, one of whom shall be chosen by the Director General, one by the staff member and the third by the two practitioners so chosen. The findings of this board shall be considered as final and no further appeal of the staff member on medical grounds shall be considered. When the findings of the board confirm the original decision to separate the staff member from service for health reasons, the costs of the appeal shall be borne by the staff member. When the findings of the board do not confirm such original decision, the costs of the appeal shall be borne by the Organization and the staff member shall be reinstated with restoration of all emoluments and benefits as from the date of separation.
- (c) A staff member shall normally be required to undergo an exit physical examination by a qualified physician at the time of separation for any reason, but may choose to sign a waiver of all claims against the Organization in lieu thereof. Refusal to be examined shall be considered as a waiver of all claims against the Organization arising on medical grounds.

REGULATION 9.4
Termination

- (a) Staff members whose appointments are to be terminated shall be given such written notice as applicable under the terms of their appointment.
- (b) The Director General may terminate the appointment of a staff member:
 - (i) during the period of probation if the staff member is not suitable for the position;
 - (ii) owing to the abolition of the post or to a reduction in staff;
 - (iii) for health reasons under the provisions of Regulation 9.3;
 - (iv) if the staff member's services are assessed to be unsatisfactory;
 - (v) in the interest of good administration provided that this action is not contested by the staff member concerned;
 - (vi) as a disciplinary measure under the provisions of Chapter 10.

REGULATION 9.5
Severance Pay

- (a) Severance pay, on separation from service, will be paid to eligible staff members hired prior to 1 June 1990, except when:
 - (i) separation is on disciplinary grounds;
 - (ii) the staff member resigns in order to accept a better remunerated position.
- (b) The amount of severance pay shall be proportionate to the length of service with the Organization.

REGULATION 9.6
Termination Indemnity

Staff members hired on or after 1st June 1990 and whose appointments are terminated shall be paid a termination indemnity which shall be proportionate to the length of service with the Organization.

REGULATION 9.7
Repatriation Grant

The Director General shall establish a scheme for the payment of a repatriation grant, with reference to the scheme followed by the United Nations. The grant shall be payable to eligible staff upon separation from service in respect of periods of service outside the country of their home station.

REGULATION 9.8
Indebtedness to the Organization

Upon separation, any amounts owed to the Organization may be deducted from the staff member's terminal emoluments.

REGULATION 9.9
Staff Member's Beneficiaries

In the event of the death of a staff member, all amounts due to the staff member, other than those that might be paid by the United Nations Joint Staff Pension Fund in accordance with its Regulations, shall be paid to his or her nominated beneficiary or beneficiaries, subject to deduction of amounts owed to the Organization. Such payment shall release the Organization from any and all liability in respect of any sum so paid.

CHAPTER 10
DISCIPLINARY MEASURES

REGULATION 10
Disciplinary Measures

- (a) The Director General may impose disciplinary measures on a staff member if:
 - (i) at the time of recruitment, he or she has deliberately supplied data or made statements that were inaccurate or incomplete;
 - (ii) his or her conduct is proven to be unsatisfactory or of such character as to bring the Organization into disrepute;
 - (iii) he or she is proven to be engaged in any activity incompatible with his or her duties with the Organization.
- (b) Disciplinary measures may take the form of any one or a combination of the following: written reprimand; reduction of step(s); fine; discharge after due notice; summary dismissal.
- (c) Disciplinary measures shall be imposed in accordance with the requirements of due process and shall be commensurate with the gravity of the act committed.

CHAPTER 11
APPEALS

REGULATION 11.1
Right of Appeal

Staff members shall have the right to appeal to the Director General against administrative actions, decisions or omissions that they may consider an infringement of any rights enjoyed under letters of appointment, the Staff Regulations and Rules, other regulations and instructions issued by the Director General or the Chief of Mission and against disciplinary action.

REGULATION 11.2
Appeal to the Joint Administrative Review Board

A Joint Administrative Review Board shall be established for the purpose of advising the Director General with regard to appeals against an administrative decision alleging the non-observance of terms of appointment, including all pertinent regulations and rules, or against disciplinary action.

REGULATION 11.3

Appeal to the Administrative Tribunal of the International Labour Organization

Any dispute between the Administration and a staff member that has not been settled internally in compliance with the provision of Regulation 11.2 may be referred for final decision to the Administrative Tribunal of the International Labour Organization in accordance with its Statute and Rules of Procedure.

**CHAPTER 12
GENERAL PROVISIONS**

REGULATION 12.1

Amendment of Staff Regulations

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

REGULATION 12.2

Staff Rules and Amendments

The Director General shall report to the Council such Staff Rules and amendments thereto as he or she may make to implement these Staff Regulations.

REGULATION 12.3

Delegation of Authority

The Director General may delegate to other staff members of the Organization such of his or her powers as he or she considers necessary for the effective implementation of these Staff Regulations.