

Board of the Centre

87th Session, October 2023

CC 87/6

FOR DECISION

SIXTH ITEM ON THE AGENDA

Human Resources questions

I. Recommendations of the International Civil Service Commission

1. This section of the document provides information on the recommendations contained in the report of the International Civil Service Commission (ICSC) for the year 2023, which, if approved by the United Nations General Assembly (UNGA), will have implications for the Centre as from 1 January 2024.
2. The UNGA will not have reached any final decision concerning the recommendations at paragraph 19 below when the Board holds its 87th Session (October 2023). Since these measures, if approved, will come into effect for all organizations within the United Nations (UN) System and have financial implications for the Centre as from 1 January 2024, these recommendations are being submitted for approval by the Board at its current session.

Conditions of service of staff in the Professional and higher categories

A. Base salary scale

3. The base/floor salary scale for staff in the professional and higher categories is set by reference to the base General Schedule salary scale of the Federal Civil Service of the United States, which has been the comparator civil service since the creation of the UN. Periodic adjustments are made on the basis of a comparison of net salaries of UN officials at the midpoint of the scale with the corresponding salaries of their counterparts in the comparator civil service. The adjustments are implemented by means of the standard no-loss-no-gain method of consolidating post-adjustment points into the base/floor salary scale while commensurately reducing post-adjustment levels.
4. As a result of an increase in the reference comparator pay level in net terms, the ICSC has recommended to the UNGA for approval with effect from 1 January 2024 a revised base/floor salary scale for professional and higher categories of staff with a 4.62 per cent adjustment implemented through the standard no-loss-no-gain consolidation method described in paragraph 3 above.¹ The proposed increase in the salary should also be applied to the pay protection points for staff whose salaries were higher than those at the maximum level of their grade on conversion to the unified salary scale.

¹ ICSC/96/R.4

This adjustment also implies a proportional increase in end-of-service payments. The proposed amendments to the salary scales in the Staff Regulations are contained in the Appendix.

B. Possible changes to the children's and secondary dependants' allowances for the Professional and higher categories of staff

5. In response to UNGA [resolution 77/256](#), the ICSC took note of the assessment of the feasibility to apply a means-testing approach to the dependent child allowance. The ICSC is currently considering whether to recommend to the UNGA any of the means testing approaches mentioned in its annual report for 2023 to adjust:
 - the dependent child allowance in order to restore the relationship between it and the allowance for a dependent child with a disability, with the amount of the latter set at twice the amount of the standard child allowance and/or
 - the secondary dependent allowance so as to maintain the relationship with the dependent child allowance at 35 per cent of allowance.
6. At the time of the Board meeting, it will not be known what the UNGA's decision in this regard will be. Consequently, the Board is requested to accept the final decision to be taken by the UNGA in December 2023, and to authorize the Director to take all necessary decisions to implement them and revise the Staff Regulations accordingly.

C. Possible changes in the level of the mobility incentive

7. In 2015, the ICSC recommended a mobility incentive, in lieu of the previous allowance, to encourage mobility of staff to field duty stations. The incentive, as approved by the General Assembly in its resolution 70/244, was established as from 1 July 2016.
8. In the context of the comprehensive review of the UN common system compensation package, the ICSC decided, inter alia, on the review cycle of the level of allowances under its purview. The level of the mobility incentive is to be reviewed every three years, starting in 2016 when the new payment matrix was implemented, by using the weighted average base salary of staff in the Professional and higher categories in the year of review.
9. The ICSC is currently considering whether to decide and recommend to the UNGA a review of the level of the mobility incentive foreseen by Article 5.9 of the Centre's Staff Regulations, or to review the mobility incentive in the context of the ongoing comprehensive compensation review that is expected to take place in the next years.

Conditions of service applicable to both categories of staff

A. Changes to the parental leave provisions

10. Following the ICSC decision in July 2022 to replace the current maternity, paternity and adoption leave provisions with a new parental leave framework², the subsequent confirmation by the UNGA in December 2022³, and the implementation of these

² [A/77/30](#), para. 92.

³ [A/RES/77/256](#) A-B, B, I.2.

decisions by the ILO with effect as of 1 January 2023⁴, it is proposed that the Centre adopts the new framework effective as of 1 January 2024.

11. The proposed amendments to the Staff Regulations are contained in the Appendix.

II. Further alignment of the Centre's human resources policies and procedures with those of the ILO

12. At its 86th Session (2022), in light of the need for further and close alignment of the Centre's administrative rules and practices with those of the ILO and in line with the Centre's Operational Model⁵ and the Centre's Statute⁶, the Board of the Centre adopted amendments to the Centre's Staff Regulations concerning the performance management system aligning the Centre's system with that of the ILO.⁷ After having formally consulted the Staff Union, improvements are now proposed to the conflict resolution mechanism.
13. As the Board was already informed at its last Session⁸, it would be advisable to align the Centre's conflict resolution mechanism with that of the ILO to permit the Centre's staff and management to benefit from fair, transparent, efficient and effective informal and formal procedures for the prompt resolution of employment disputes. In particular, an official could henceforth file a grievance with the ILO's Joint Advisory Appeals Board (JAAB), a peer review body, against an administrative decision of the Human Resources Services taken in response to a grievance filed by the same official and related to their terms and conditions of employment.
14. The JAAB is a body of peers, operating in panels of three members, one nominated by the International Labour Office, one nominated by the Staff Union Committee and one independent Chairperson.⁹ This composition fulfils the need for a review of grievances by an independent body administered outside the management structure of the Centre.
15. The JAAB reviews the case on the basis of written submissions and possibly hearings, and addresses within three months of the conclusion of the written proceedings a report to the Centre's Director containing its findings and recommendations for his/her consideration. In essence, the JAAB fulfils quasi-judicial functions and serves, as recognized by the jurisprudence of the ILO Administrative Tribunal, as a first instance adjudicative body. To be receivable, any complaint filed with the ILO Administrative Tribunal will have to have exhausted first internal remedies, including the appeal process before the JAAB.
16. The JAAB also publishes an annual report which contains recommended measures aimed at improving industrial relations and reducing the number of grievances lodged with the Board.¹⁰
17. The Centre and the Office have agreed on the practical and financial arrangements for the Centre's use of the services of the JAAB, its secretariat and the ILO's informal conflict resolution mechanisms. The ILO's Joint Negotiating Committee has also been

⁴ [GB.347/PFA/INF/9](#), paras 15-17.

⁵ [CC 84/1](#), para. 43.

⁶ Article V(5) of the [Statute of the Centre](#) provides that the terms and conditions of service of the staff "shall be established on the basis of those of International Labour Office officials and of the particular requirements of the Centre".

⁷ [GB.346/INS/16](#), para. 77, [CC86/5](#).

⁸ [CC86/5](#), paras 14-17.

⁹ See [article 10.5 of the ILO Staff Regulations](#) and the [webpage](#) of the Joint Advisory Appeals Board.

¹⁰ [Working methods \(revised\) of the Joint Advisory Appeals Board \(JAAB\)](#), at 5.

consulted. The proposed amendments to the Staff Regulations are contained in the Appendix and will be effective immediately upon adoption.

III. Exceptions to the Staff Regulations

18. Under Article 0.8 of the Staff Regulations, any exception made by the Director to Staff Regulations entailing additional expenditure shall be notified to the Board. Since the 83rd Session (October 2020) of the Board, the Director has approved carryover of annual leave entitlements in excess of the maximum amount provided for under Article 6.4(d) of the Staff Regulations.

19. The Board is requested to:

- a) **accept the recommendations of the ICSC, subject to their approval by the United Nations General Assembly, all with effect as from 1 January 2024, concerning:**
 - (i) **an increase of 4.62 per cent in the base/floor salary scales for the Professional and higher category of staff on a no-loss-no-gain basis;**
 - (ii) **the consequential increases in separation payments;**
 - (iv) **the possible changes to the children and secondary dependants' allowances for the Professional and higher category of staff**
 - (v) **the possible changes to the level of the mobility incentive;**
- b) **approve the amendments to the Staff Regulations contained in the Appendix concerning parental leave and the further alignment of the Centre's human resources policies and procedures with those of the ILO concerning the review of staff grievances by the ILO's Joint Advisory Appeals Board (JAAB);**
- c) **take note of the exceptions to the Staff Regulations approved by the Director (paragraph 18 above).**

Point for decision: Paragraph 19.

September 2023

APPENDIX
Proposed amendments to the Staff
Regulations

CHAPTER VII
ARTICLE 7.5
Withholding of Increment

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(c) Where it has been decided that an annual increment shall be withheld, the official may appeal within eight days of receipt of the Reports Committee's decision to the ~~the Director, who shall refer the matter to the Joint Committee for observations and report before deciding.~~ Joint Advisory Appeals Board if the official considers that the decision has been based on an erroneous evaluation of performance or that the decision has been made for reasons unconnected with performance or conduct.

CHAPTER IX
ARTICLE 9.7
Parental Leave

Maternity Leave

~~(a) An official shall be entitled to maternity leave with full salary and allowances upon the presentation of a certificate, signed by a duly qualified medical practitioner, that her confinement will probably take place within six weeks. At the request of the official, the Director may permit the maternity leave to commence less than six weeks but not less than two weeks before the probable date of confinement. Maternity leave shall extend for a period of sixteen 16 weeks from the time it is granted, in the case of single birth, 20 weeks in the case of birth of twins, and 22 weeks in the case of birth of triplets or more. Maternity leave shall extend for a period of 16 weeks from the time it is granted, except that in no case shall it terminate less than ten weeks after the actual date of confinement for single birth, 14 weeks for the birth of twins, and 16 weeks for the birth of triplets or more.~~

~~(b) In maternity cases an official shall be entitled to reimbursement of the cost of attendance by a doctor or midwife, in accordance with a scale to be drawn up by the Director after consulting the Joint Negotiating Committee.~~

~~(c) Upon presentation of a certificate, signed by a duly qualified medical practitioner or midwife, that she is pregnant or breastfeeding, an official shall be temporarily transferred to other work if in the opinion of the Medical Adviser her job involves work which may prejudice her health or that of her child.~~

~~(d) An official shall be entitled to two 30-minute nursing breaks daily. In addition, she shall be entitled to reasonable time for commuting for nursing purposes up to a maximum time of 60 minutes per day until the child reaches the age of six months.~~

Paternity Leave

~~(a) Upon presentation of his child's birth certificate, a male official shall be entitled to paternity leave with full salary and allowances for a total period of up to four weeks. In the case of internationally-recruited staff serving at a non-family duty station and in other exceptional circumstances, paternity leave shall be granted for a total period of up to eight weeks.~~

~~(b) Paternity leave may be granted either in one continuous period or in separate periods of at least one week.~~

~~(c) Paternity leave must be exhausted within 12 months from the date of the child's birth. A minimum period of 12 months is required between the end of one paternity leave entitlement and the start of the next.~~

Adoption Leave

~~(a) An official who adopts a child under six years old has the right to adoption leave on full salary and allowances for up to eight weeks, upon presentation of a certificate of adoption. If the adoptive parents are both employees of the Centre, and both of them ask for adoption leave, the~~

~~combined total of their adoption leave is limited to twelve weeks, which may be split between the two of them, though neither one may take more than eight weeks.~~

~~(b) Adoption leave is normally granted for a consecutive period from when the child is taken into the adoptive parents' charge.~~

~~(c) An interval of at least twelve months is required between the end of one period of adoption leave and the beginning of another.~~

~~(d) The Director may, upon request, grant adoption leave, under the conditions set out in paragraphs a), b) and c) above, when an official takes provisional charge of a child with a view to adoption.~~

ARTICLE 9.7 (replaces current Article 9.7 in full)
Parental leave

1. An official who becomes a parent by giving birth to a child shall be entitled to a period of paid parental leave in accordance with the provisions below:

(a) Upon the presentation of a certificate, signed by a duly qualified medical practitioner or midwife confirming their pregnancy and expected date of delivery, an official shall be entitled to a period of 26 weeks' parental leave with full salary and allowances. The leave period shall begin two weeks prior to the expected date of delivery and shall be granted in one continuous period of 26 weeks. The official may decide to return to duty after the end of the 22nd week of parental leave and use the remaining leave entitlement in accordance with rules established by the Director following consultation with the Joint Negotiating Committee. All parental leave entitlements must be used within 12 months from the date of the child's birth.

(b) Upon presentation of a certificate, signed by a duly qualified medical practitioner or midwife confirming that they are pregnant or breastfeeding, an official shall be temporarily transferred to other work if in the opinion of the Medical Adviser their job involves work which may prejudice their health or that of the child.

(c) Upon returning to work, a parent who is breastfeeding shall be entitled to two fully paid 30-minute nursing breaks per day during working hours until the child reaches the age of 12 months. In addition, they shall be entitled to reasonable time for commuting for nursing purposes up to a maximum time of 60 minutes per day during working hours until the child reaches the age of 12 months. Thereafter, an official who continues to breastfeed shall continue to be entitled to take the nursing breaks while resuming their normal hours of work and arranging their working day accordingly.

2. An official who becomes a parent without giving birth, shall be entitled to a period of 16 weeks' parental leave with full salary and allowances. The leave shall be granted in one continuous period of 16 weeks to begin no later than one week following the birth or arrival of the child in the family of the official. The official may decide to return to duty after the end of the 12th week of parental leave and use the remaining leave entitlement in accordance with rules established by the Director following consultation with the Joint Negotiating Committee. All parental leave entitlements must be used within 12 months from the date of the birth or arrival of the child in the family of the official.

3. Annual leave shall accrue throughout periods of parental leave.

CHAPTER XI
ARTICLE 11.2
Procedure for Application of Sanctions

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(b) Subject to the provisions of Article 11.8 of the Staff Regulations, in the case of any sanction other than warning or reprimand ~~the proposal shall then be communicated to the Joint Negotiating Committee for observation and report to the Director, official shall have the right to refer the proposal, together with any observations made in accordance with paragraph (a) above to the Joint Advisory Appeals Board within one month from receipt of the proposal, said period to include the eight days referred to in paragraph (a) above.~~ Reference to the ~~Joint Negotiating Committee~~ Joint Advisory Appeals Board may be waived with the agreement of the official concerned.

CHAPTER XII
Conflict resolution

ARTICLE 12.1

Review Procedure

~~(a) Without prejudice to the right to submit a complaint in accordance with Article 12.2 within the time limit specified in that Article, an official who considers that he has been treated inconsistently with the provisions of these Regulations or with the terms of his contract of employment, or that he has been subjected to unjustifiable or unfair treatment by a superior official, may request that the issue in question be reviewed with a view to its settlement.~~

~~(b) The review procedure shall be governed by the provisions of Annex G.~~

**ARTICLE 12.1 (replaces current Article 12.1
in full)**

Informal conflict resolution

(a) An official¹¹ who considers that s/he has been treated in a manner incompatible with her/his terms and conditions of employment, including the right to work in a place that is free of harassment, may at any time, without prejudice to the right to file a grievance in accordance with Article 12.2(a) or Article 12.2(b) within the time limit specified therein:

- (1) rely on the mediation or facilitation mechanisms established by the Director on the recommendation of the Joint Negotiating Committee;
- (2) request the intervention of the Human Resources Services or a higher level chief;
- (3) request the assistance of any official, former official, or the Staff Union.

(b) An official who faces any other work-related problem may, at any time, resort to the mechanisms referred to in paragraph (a)(1) above with a view to its informal settlement.

(c) There shall be no formal record of the informal processes referred to above.

ARTICLE 12.2

Complaints

~~Any complaint by an official that he has been treated inconsistently with the provisions of these Regulations or with the terms of the contract of employment, or that he has been subjected to unjustifiable or unfair treatment by a superior official shall, except as may be otherwise provided in these Regulations, be addressed to the Director through the official's responsible chief and through the Personnel Office within six months of the treatment complained of. The Director may refer any such complaint to the Joint Negotiating Committee for observations and report.~~

¹¹ For the purpose of Chapter XII, the term "official" does not comprise the Director or the Deputy Director of the Centre.

**ARTICLE 12.2 (replaces current Article 12.2
in full)**
Grievances

- (a) An official who wishes to file a grievance on the grounds that s/he has been treated in a manner incompatible with her/his terms and conditions of employment shall, except as may be otherwise provided in these Regulations or other relevant rules¹², request the Human Resources Services to review the matter within six months of the treatment complained of. The procedure for the examination of general grievances related to the terms and conditions of employment is governed by Article 12.3.
- (b) An official who wishes to file a grievance on the grounds that s/he has been subjected to harassment shall request the Human Resources Services to review the matter within six months of the last occurrence of the conduct complained of. The procedure for the examination of harassment grievances is governed by Article 12.4.

ARTICLE 12.3 (new text added)
**Administrative resolution of general grievances related
to the terms and conditions of employment**

- (a) The Human Resources Services shall review any grievance under Article 12.2(a) and notify the official of a reasoned decision within three months of the receipt of the grievance. Where the Human Resources Services and the official agree that the matter may still be solved through informal conflict resolution, this time limit may be suspended in writing up to three months. In the event of such a suspension, the official shall confirm in writing to the Human Resources Services, no later than the expiration of the agreed suspension, whether s/he still wishes the matter to be formally reviewed and decided upon.
- (b) If the official disagrees with a decision under paragraph (a) above or in the absence of an express decision within the time allowed under the same provision, s/he shall be entitled to file a grievance with the Joint Advisory Appeals Board of the ILO within one month of its notification or the expiration of the time allowed in the absence of a decision.
- (c) Should an official disagree with a decision or proposed decision in respect of which special procedures¹³ apply, s/he shall be entitled to refer the matter to the Joint Advisory Appeals Board of the ILO to the extent and within the time limits provided for in the relevant procedure.
- (d) The Director shall take a final decision within two months of the submission of the report by the Joint Advisory Appeals Board and communicate it to the official together with a copy of the report. A copy of the decision shall also be communicated to the Board. In the absence of an express decision within this deadline, the Board shall provide the official and the Human Resources Services with a copy of its report and the official shall be entitled to imply an acceptance of the recommendations contained in the report.

¹² Special procedures apply to compensation claims (Annex F) and the review of performance appraisals (Chapter VII) as well as for appeals in respect of selection and recruitment (Annex H), discipline (Chapter XI), job grading (relevant circular), termination for unsatisfactory services (Articles 13.4 and 13.7), termination on reduction of staff (Article 13.5), and withholding of increment (Article 7.5).

¹³ Special procedures apply to compensation claims (Annex F) and the review of performance appraisals (Chapter VII) as well as for appeals in respect of selection and recruitment (Annex H), discipline (Chapter XI), job grading (relevant circular), termination for unsatisfactory services (Articles 13.4 and 13.7), termination on reduction of staff (Article 13.5), and withholding of increment (Article 7.5).

ARTICLE 12.4 (new text added)
Administrative resolution of harassment grievances

- (a) The term “harassment” is defined¹⁴ as “any form of treatment or behaviour by an individual or group of individuals in the workplace or in connection with work, which in the perception of the recipient can reasonably be seen as creating an intimidating, hostile or abusive working environment or is used as the basis for a decision which affects that person’s employment or professional situation”.
- (b) The term “sexual harassment” is defined as “any conduct of a sexual nature in the workplace or in connection with work, which, in the perception of the recipient, can reasonably be seen as creating an offensive, intimidating, hostile or humiliating working environment for that person or is used as a basis for a decision which affects that person’s employment or professional situation”.
- (c) To be receivable, a harassment grievance must:
- (1) be submitted by the claimant in written form addressed to the Chief of the Human Resources Services within six months of the last occurrence of the behaviour which gave rise to the grievance;
 - (2) be signed and dated by the claimant;
 - (3) include the following:
 - (i) a detailed written statement of facts, including the person(s) designated as author(s) of the behaviour complained of (hereinafter “respondent(s)”), places, dates and a description of the acts of alleged harassment and the impact of the offending behaviour on the claimant;
 - (ii) the names of witnesses, if any, of the alleged acts of harassment;
 - (iii) any other relevant documentation, such as emails, message recordings, photographs, letters, medical examinations, or any other information the claimant deems relevant; and
 - (iv) the name and contact details of the claimant;
 - (4) not be manifestly without merit.
- (d) (1) If a grievance is receivable, the Chief of the Human Resources Services will notify the claimant and the respondent accordingly in writing within ten working days of the receipt of the grievance and will proceed to nominate an investigator in accordance with paragraph (e) below. The Chief of the Human Resources Services shall, at the request of the claimant, refer to the Selection Committee any urgent request for interim measures such as the transfer of the claimant to a similar post while the investigation is under way.
(2) In exceptional cases, if the Chief of the Human Resources Services determines that the grievance is receivable and is satisfied that the facts are fully established, s/he will notify the claimant and respondent accordingly and proceed with any appropriate disciplinary measures in accordance with Chapter XI of the Staff Regulations, and any other administrative response deemed necessary.
(3) If the Chief of the Human Resources Services determines that the harassment grievance is not receivable, s/he shall indicate in detail the grounds for this decision in a written reply to the claimant. No information shall be provided to the respondent. In such a case, any other issues which may be included in the grievance may be addressed to the Human Resources Services in accordance with the provisions of Article 12.3(a) of the Staff Regulations.
- (e) In the case of a harassment grievance requiring investigation the Chief of the Human Resources Services shall nominate an investigator and inform the claimant and the respondent of the identity of the investigator within ten working days of the notification referred to in paragraph (d)(1) above. The investigator shall be nominated from a list of qualified independent investigators established and maintained by the Joint Negotiating Committee.

¹⁴ Determining whether or not certain behaviour constitutes harassment has both subjective and objective elements including the severity and impropriety of the act, the circumstances and context of each situation, and whether the behaviour is linked to real or perceived grounds such as race, ethnicity, social origin, national extraction, nationality, gender, family status, family responsibilities, age, sexual orientation, gender identity, political opinion, religion, disability, HIV status or trade union affiliation.

- (f) The nominated investigator shall be obliged to declare any possible conflict of interest at the earliest opportunity and, in such case, to recuse him/herself from any further involvement in the investigation.
- (g) Both the claimant and the respondent shall have the right to raise any concerns they may have as to the suitability of the investigator within ten working days of the notification regarding the identity of the investigator. If any objections are raised regarding the selection of the investigator within this time limit, the Director shall have five days from the receipt of any comment from the abovementioned parties to confirm or modify the selection of the investigator. This decision is not subject to appeal, but may be raised as an element in a later appeal.
- (h) The investigation shall be carried out promptly and with the highest standards of impartiality, objectivity, confidentiality, fairness and due process. The respondent shall be provided with a copy of the written statement of facts (paragraph (c)(3)(i)) included in the grievance together with the other accompanying documentation submitted with the grievance (paragraph (c)(3)(iii)). The respondent shall submit an initial response to the allegations in writing, including the names of any witnesses and all relevant documentation within twenty working days of the reception of the abovementioned documents. A copy of this initial response shall be given to the claimant.
- (i) The investigator shall conduct any inquiry necessary to investigate the case including the review of the grievance and any additional statements of the claimant; review of the statements of the respondent; interviews with the parties and any witnesses or staff members deemed relevant to the investigation; as well as the review of any documentation supplied by the claimant, the respondent and the witnesses and gather any additional information needed to complete the investigation.
- (j) The claimant and respondent may be assisted during interviews by a Staff Union representative or any other member or former member of staff who is not a party to the proceedings.
- (k) The claimant and respondent shall both be informed of witness testimony in order to exercise their right of reply, to rectify erroneous information by furnishing evidence where necessary, or to have their disagreement put on record.
- (l) In the course of the investigation the investigator may also consult the personnel files of the claimant and respondent in order to verify or establish any relevant fact; request additional written statements and/or documentation; interview persons in a hierarchical relation to the claimant or respondent; and gather any additional information needed to complete the investigation.
- (m) The investigation shall be conducted as expeditiously as possible and shall normally be concluded within sixty working days of the reception of the grievance by the investigator, except where, in the investigator's opinion, exceptional circumstances require additional time.
- (n) At the end of the investigation, the investigator shall prepare a report comprising:
- (1) a summary of the allegations;
 - (2) the investigative procedure undertaken;
 - (3) the persons interviewed;
 - (4) the documentation and additional information considered;
 - (5) the established facts and an opinion as to whether or not the allegations of harassment were founded.
- When communicating the investigation report to the Director, the investigator shall notify the claimant and the respondent that the investigation has been concluded.
- (o) The Director shall determine whether disciplinary action(s) in accordance with Chapter XI of the Staff Regulations, or any other administrative measures, are deemed necessary in response to the findings of the investigation report. Within twenty working days of the receipt of the investigation report, the Director shall notify the claimant and the respondent of his/her reasoned decision as to possible disciplinary action(s) and possible administrative measures, including compensation. The Director shall also indicate,

where necessary, the proposals of the Centre to improve the working environment. A copy of the investigation report shall be attached to the Director's decision.

- (p) If the Director has not made an express, reasoned decision within the deadline specified in paragraph (o) above the investigator shall provide the claimant and the respondent with a copy of the investigation report and they shall be entitled to infer acceptance of the report's contents by the Director.
- (q) The claimant shall be entitled to challenge the decision taken in accordance with paragraph (d)(3) above, before the Joint Advisory Appeals Board of the ILO within one month of its receipt.
- (r) The claimant and the respondent shall be entitled to challenge the express or implied decision taken in accordance with paragraphs (o) or (p) above with the Joint Advisory Appeals Board of the ILO within one month of its notification or the expiration of the time allowed in the absence of a decision. Disciplinary action(s) under paragraphs (d)(2) or (o) above are subject to the procedure set forth in Chapter XI of the Staff Regulations.
- (s) The Director shall take a final decision within two months of the submission of the report by the Joint Advisory Appeals Board and communicate it to the official together with a copy of the report. A copy of the decision shall also be communicated to the Board. In the absence of an express decision within this deadline, the Board shall provide the official and the Human Resources Services with a copy of its report and the official shall be entitled to imply an acceptance of the recommendations contained in the report.

ARTICLE 12.3

Administrative Tribunal

~~An official shall be entitled to appeal to the Administrative Tribunal of the International Labour Organization as provided in the Statute of the Tribunal.~~

ARTICLE 12.5 (replaces current Article 12.3 in full)

Judicial appeals

- (a) An official shall be entitled to file a complaint against an express or implied decision under Articles 12.3(d) or 12.4(s) with the Administrative Tribunal of the International Labour Organization.
- (b) The Director may, in agreement with the official, exempt the latter from the obligation to exhaust internal procedures by authorizing him/her to challenge a decision directly before the Administrative Tribunal.

CHAPTER XIII

ARTICLE 13.4

Fixed-Term Appointments

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(b) An official whose appointment is terminated under this Article shall be informed of the ground for termination. Before a decision is taken to terminate the appointment of an official of the Centre under paragraph (a)(3), the procedure laid down in Article 13.7(b), shall be applied. Before a decision is taken to terminate the appointment of an official under paragraph (a)(2) ~~or (3)~~ of this Article, the official shall be given an opportunity to make observations, with the assistance, where he so requests, of a representative, who shall be a member of the staff of the Centre, of the ILO, of the United Nations, or of another specialized agency.

...

ARTICLE 13.5

Termination on Reduction of Staff

.....

(e) An official whose appointment it is proposed to terminate under paragraph (a) above shall be entitled to appeal to the ~~Joint Negotiating Committee~~ Joint Advisory Appeals Board on the grounds that the termination is proposed without due consideration having been given to his competence,

efficiency and official conduct, and to his length of service. Such an appeal must be submitted not later than one month after the official has received notice of the proposed termination.

ARTICLE 13.7
Termination for Unsatisfactory Services

.....

(b) Before a decision to terminate the appointment of an official under this Article is taken, a proposal to do so, stating the reasons for which it is made, shall be communicated in duplicate to the official, who shall initial and return one copy, and who shall be entitled to appeal to the ~~Joint Negotiating Committee~~ Joint Advisory Appeals Board within one month of receipt thereof on the ground that the proposal is made on the basis of an erroneous evaluation of his performance or for reasons unconnected therewith.

Annex G (replaces current Annex G in full)

ANNEX G
REVIEW PROCEDURE

1. (a) ~~An official who considers that he has been treated inconsistently with the provisions of the Staff Regulations or with the terms of his contract of employment may request the Chief of Personnel Office in writing, that the issue in question be reviewed.~~

(b) ~~The Chief of the Personnel Office or an official of his Office designated by him shall discuss the issue with the official, who may, in this connection request the assistance of a representative of the Staff Union or of another official of the Centre.~~

(c) ~~The Chief of the Personnel Office or, as appropriate, the official designated by him, shall, within ten working days of receipt of the request for review, inform the official concerned of the action which it is proposed to take thereon.~~

2. (a) ~~An official who considers that he has been subjected to unjustifiable or unfair treatment by a superior official may request such superior official to review the issue in question. If a solution is not arrived at to the satisfaction of the official, he may request the superior official's responsible chief to review the issue.~~

(b) ~~Where the official so requests and whenever practicable, the superior official or his chief, as the case may be, shall discuss the issue in question with him. In this connection the official may request the assistance of a representative of the Staff Union or of another official of the Centre.~~

~~Unless the official, or the chief concerned, feels that this would be inappropriate, an official of the Personnel Office may be present at any such discussion; at the request of the official, or the chief concerned, an official of the Personnel Office shall where practicable be present in all cases in which the official concerned has the assistance of a representative of the Staff Union or of another official of the Centre.~~

(c) ~~Where the superior official is not the immediate or responsible chief of the official concerned, the superior official may associate such chief with the review procedure.~~

(d) ~~The superior official or his chief, as the case may be, shall, within ten working days of receipt of the request for review, inform the official of the action which it is proposed to take thereon.~~

3. ~~Except as otherwise specified therein, an issue may be submitted for review under the preceding paragraphs either orally or in writing. If it is submitted in writing, the official concerned shall also be informed in writing of the action which it is proposed to take thereon.~~

4. ~~An official shall suffer no prejudice by reason of the submission of any issue for review under Article 12.1 of the Staff Regulations and these rules. Neither the fact that review was sought nor the documents nor other information relating thereto shall be placed in the personal file of the official established under Article 1.11 of the Staff Regulations. Statements made in the course of the review procedure shall not be admissible as evidence in any proceedings before any other body to which an appeal shall be successively referred.~~

Procedure of the Joint Advisory Appeals Board

1. Any case brought to the Joint Advisory Appeals Board shall be filed with its secretary by means of the form prescribed to that effect, in six copies, in English, French or Spanish. Any communication relating to the case addressed to the official shall be written in the language used by the official or in any other official language that s/he is able to understand. The official may appoint a representative, who shall be a former or serving staff member of the Centre, the Office, the United Nations or a specialized agency, or a Staff Union representative, to act on her/his behalf during the procedure before the Board.
2. The secretary shall verify that the form and documents appended to it meet the necessary requirements and shall call upon the official or the official's representative to correct it, if necessary, within one week.
3. When the above requirements are met, the secretary shall forward one copy to the Chief of the Human Resources Services. The latter shall appoint a representative, who shall be a former or serving staff member of the Centre, Office, the United Nations or a specialized agency, to act on behalf of the Human Resources Services during the procedure before the Board.
4. Neither party shall have the right to external legal representation before the Board.
5. The Human Resources Services shall dispatch its comments on the case in six copies to the secretary of the Board within one month of receipt of notice from the secretary. The secretary shall communicate a copy of the comments of the Human Resources Services to the official or the official's representative.
6. Any written communication of the Board with one of the parties shall be copied by the Board's secretariat to the other party.
7. At any time before the panel begins its deliberations in the case, the parties may agree to suspend, for a specified time, the consideration of the case by written notification addressed to the Board's secretariat. If no further action is taken by the official or the official's representative following the specified period of suspension, the Board may consider the matter withdrawn.
8. The official or the official's representative may withdraw the case, with prejudice, at any time before notification of issuance of the report by the panel by submitting a written communication addressed to the Board's secretariat notifying it of the official's intent to withdraw the case.
9. During the completion of the written submissions, the secretary shall coordinate with the chairpersons and members of the Board to determine the composition of the panel that will deal with the case, having considered any objection raised by the official or the Human Resources Services as to the participation of any particular person in the panel.
10. After the composition of the panel has been determined, the secretary shall forward to the chairperson and members of the panel the written submissions of the parties.
11. The panel shall hold as soon as possible a preliminary meeting to determine:
 - (a) whether the case is clearly irreceivable or devoid of merit;
 - (b) whether the case is to be dealt with as a matter of urgency;
 - (c) the need for any further written submissions or inquiry;
 - (d) the disclosure of any privileged document requested by either party and the time allowed for the parties to comment on any document so disclosed;
 - (e) the need for the appearance of the parties or any witnesses;
 - (f) the date of any hearing so decided.
12. If the panel unanimously considers that the case is clearly irreceivable or devoid of merit, it shall address without delay a summary report to that effect to the Director. Such report shall contain:
 - (a) a summary of the proceedings;
 - (b) the outcomes requested by the official and the Centre;

- (c) the grounds on which the panel considers the case to be clearly irreceivable or devoid of merit;
- (d) the signature of the chairperson and members of the panel and the date.

13. Where a panel considers that exceptional circumstances could warrant the adoption of interim measures pending the disposal of a grievance, it will inform the Director accordingly.

14. In all other cases, the secretary shall notify the parties of the date of any hearings decided by the panel or an indication as to the time frame in which the panel is likely to examine the case.

15. Any hearing shall be held in private at the time decided by the panel and shall be presided over by its chairperson. Hearings may be attended by the official and his/her representative, the representative of the Human Resources Services, witnesses called by the panel and the members of the Board's secretariat. The representatives of the official and the Human Resources Services may each attend hearings accompanied by one other person meeting the conditions specified respectively in paragraphs 1 and 3 above. Participation in hearings shall be considered official duties.

16. The panel shall deliberate in private.

17. The panel shall address its report to the Director within three months of the conclusion of the written submissions by the parties, except where exceptional circumstances require a longer time frame. Such report shall contain:

- (a) a summary of the proceedings;
- (b) the outcomes requested by the official and the Centre;
- (c) a summary of the arguments put forward by each party;
- (d) a statement of established relevant facts, including reference to the document or witness statement on which the findings are based;
- (e) reference to any interim communication under paragraph 13 above;
- (f) its recommendations on each of the conclusions of the parties, including the grounds;
- (g) an indication as to whether the recommendations are unanimous or by majority, as well as any minority views that may be added;
- (h) the signature of the chairperson and members of the panel and the date.

18. The secretary of the Board shall notify the official of the date of issuance of the report under paragraphs 12 or 17 above.

19. Where the panel's report is written in a language that the official is not able to understand, the Office shall arrange for its translation into the language of the grievance on time for its communication to the official in accordance with Article 12.3(d) of these Regulations.

20. All proceedings of the Board are confidential. Any breach of confidentiality shall be considered serious misconduct.

21. The expenses necessary for the proceedings of the Joint Advisory Appeals Board shall be borne by the Centre.

22. The Joint Advisory Appeals Board shall report annually to the Joint Negotiating Committee on activities undertaken and general trends of its work.

Annex A

Proposed salary scale and pay protection points (effective 1 January 2024)

A. Proposed salary scale for the Professional and higher categories showing annual gross salaries and net equivalents after application of staff assessment

(United States dollars)

Level		Steps												
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
D-2	Gross	162 421	166 120	169 818	173 520	177 223	180 923	184 618	188 321	192 020	195 718			
	Net	122 698	125 139	127 580	130 023	132 467	134 909	137 348	139 792	142 233	144 674			
D-1	Gross	144 887	147 950	151 080	154 332	157 570	160 823	164 071	167 315	170 568	173 814	177 062	180 308	183 558
	Net	110 921	113 065	115 213	117 359	119 496	121 643	123 787	125 928	128 075	130 217	132 361	134 503	136 648
P-5	Gross	125 021	127 629	130 236	132 839	135 446	138 049	140 659	143 261	145 869	148 471	151 145	153 903	156 673
	Net	97 015	98 840	100 665	102 487	104 312	106 134	107 961	109 783	111 608	113 430	115 256	117 076	118 904
P-4	Gross	101 997	104 511	107 027	109 541	112 054	114 569	117 087	119 601	122 114	124 626	127 146	129 653	132 169
	Net	80 898	82 658	84 419	86 179	87 938	89 698	91 461	93 221	94 980	96 738	98 502	100 257	102 018
P-3	Gross	83 662	85 805	87 950	90 091	92 237	94 379	96 522	98 668	100 880	103 206	105 539	107 864	110 193
	Net	67 083	68 712	70 342	71 969	73 600	75 228	76 857	78 488	80 116	81 744	83 377	85 005	86 635
P-2	Gross	64 742	66 659	68 575	70 491	72 412	74 330	76 251	78 162	80 080	81 996	83 914	85 836	87 751
	Net	52 704	54 161	55 617	57 073	58 533	59 991	61 451	62 903	64 361	65 817	67 275	68 735	70 191
P-1	Gross	49 664	51 262	52 888	54 516	56 142	57 771	59 396	61 026	62 651	64 282	65 908	67 533	69 162
	Net	41 221	42 459	43 695	44 932	46 168	47 406	48 641	49 880	51 115	52 354	53 590	54 825	56 063

Note: The normal qualifying period for in-grade movement between consecutive steps is one year. The shaded steps in each grade require two years of qualifying service at the preceding step.

B. Proposed pay protection points for staff whose salaries are higher than the maximum salaries on the unified salary scale

(United States dollars)

<i>Level</i>		<i>Pay protection point 1</i>	<i>Pay protection point 2</i>
P-4	Gross	134 687	137 203
	Net	103 781	105 542
P-3	Gross	112 519	114 844
	Net	88 263	89 891
P-2	Gross	89 667	
	Net	71 647	
P-1	Gross	70 787	
	Net	57 298	