

Staff Regulations

REGULATION 1

1.1 These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the Southern Indian Ocean Fisheries Agreement.

1.2 For the purposes of these Regulations:

- (a) "Agreement" or "SIOFA" means the Southern Indian Ocean Fisheries Agreement;
- (b) "dependant" shall include only:
 - (i) the staff member's spouse if the spouse is not in paid employment;
 - (ii) any unsalaried child, who is born of, or adopted by, a staff member, his or her spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or his or her spouse for main and continuing support;
 - (iii) any child fulfilling the conditions laid down in paragraph (1(a) (ii)) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
 - (iv) any child with a disability who is dependent on a staff member or his or her spouse for main and continuing support;
 - (v) any person for whose main and continuing support a staff member or his or her spouse is legally responsible as recognised by the national authorities of his or her home country before the time of the appointment.
- (c) "Executive Secretary" means the Executive Secretary of the Secretariat;
- (d) "host country" means Réunion Island, French Republic
- (e) "Meeting of the Parties" means the Meeting of the Parties to SIOFA, established by Article 5 of SIOFA;

- (f) "SCAF" means Standing Committee of Administration and Finance as provided for in Article 7 of SIOFA;
- (g) "Secretariat" means the Secretariat of SIOFA established by the Meeting of the Parties pursuant to Article 9 of SIOFA.
- (h) "SIOFA Parties" means the Contracting Parties to SIOFA, and Participating Fishing Entities as provided for in Article 15 of SIOFA and Rule 19 of the Rules of Procedure;
- (i) "spouse" means a husband or wife, a civil union partner or a de facto partner as recognized by the national authorities of his or her home country;
- (j) "staff members" means staff members of the Secretariat and the Executive Secretary.

1.3 These Regulations should be applied giving due regard to the geographical distribution of the SIOFA Parties.

REGULATION 2

DUTIES, OBLIGATIONS AND PRIVILEGES

2.1 Staff members are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves in the best interests of the Secretariat.

2.2 Staff members shall at all times conduct themselves in a manner consistent with the international nature of the Agreement. They shall always exercise the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might potentially be detrimental to the Secretariat, the Meeting of the Parties and the aims of the Agreement.

2.3 Staff members are not required to renounce either their national feelings or their political or religious convictions. In the application of these Regulations, any discrimination on the basis of sex, age, race, color, ethnic or social origin, religion or belief, political or other opinion, membership of a national minority, property, birth, sexual orientation or disability shall be prohibited.

2.4 In the performance of their duties, staff members shall neither seek nor accept instructions from any government or authority other than the Meeting of the Parties or the Executive Secretary. Staff

members shall, however, cooperate fully at all times with the Competent Authorities of the French Republic in order to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse of the privileges, immunities and facilities provided for in the headquarters agreement between the Government of the French Republic and the Secretariat.

2.5 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorization for the release of information for official purposes shall lie with the Meeting of the Parties or the Executive Secretary, as the case may require.

2.6 Staff members shall, in general, have no employment other than with the Secretariat. In special cases, staff members may accept other employment, provided that it does not interfere or represent a conflict of interest with their duties in the Secretariat, and that prior authorization by the Executive Secretary has been obtained. Where the Executive Secretary wishes to accept other employment, prior authorization shall be obtained from the Meeting of the Parties.

2.7 No staff member may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest.

2.8 Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of Regulation 2.7.

2.9 Staff members shall enjoy the privileges and immunities to which they are entitled under the Agreement between the Government of the French Republic and the Secretariat of the Southern Indian Ocean Fisheries Agreement concerning the Headquarters of the Secretariat and its privileges and immunities in French Territory

REGULATION 3

HOURS OF WORK

The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week. These hours do not include breaks for meals.

3.2 The Executive Secretary shall establish the specific working hours and may, in consultation with staff members, alter them for the benefit of the Secretariat and the Meeting of the Parties as circumstances may require.

REGULATION 4 CLASSIFICATION OF STAFF

4.1 Staff members shall be classified in either of the two following United Nations (UN) categories:

(a) Professional Category

Positions of high responsibility of a managerial, professional, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Staff members in this category will be recruited and publicised internationally.

(b) General Services Category

Auxiliary administrative and technical positions, including clerical, secretarial and other office personnel. Such staff shall be recruited from among citizens of SIOFA Parties, taking into account potential benefits that may occur from hiring staff locally.

4.2 Persons employed under Regulation 11 shall not be classified as staff members.

REGULATION 5 SALARIES AND OTHER REMUNERATION

5.1 The scale of salaries for staff members in the professional category shall be established by the Meeting of the Parties, taking into account the scales of salaries which would apply to officials of the United Nations Secretariat employed in the host country. Such salaries shall be paid in local currency of the host country.

5.2 Staff members in the general services category shall, in principle, be paid at rates equivalent to those paid in the national administration of the host country for staff of equivalent qualifications and experience, with such rates being established by the Meeting of the Parties. Such salaries shall be paid in the local currency of the host country.

5.3 The salaries of staff members shall be reviewed annually by the Meeting of the Parties taking into account , the performance of each staff member concerned and annual changes in the United Nations for professional category and the national administration for general services category. The promotion of the staff members from one salary scale to another requires the prior approval of the Meeting of the Parties.

5.4 Subject to these Regulations, the type of allowances available to staff members in the professional category shall, in principle, be those allowances in force in the United Nations. The scale of allowances shall be established in US dollars according to the corresponding scales of allowances which would apply to officials of the United Nations Secretariat in the host country and shall be paid in the local currency of the host country. However, education allowances for each dependant child shall not be paid:

- (a) in respect of children of staff members who are nationals of the host country;
- (b) in respect of attendance at a public (State) school of the host country;
- (c) for attendance at a public (State) University in the host country;
- (d) for correspondence courses or private tuition;
- (e) when schooling does not require regular attendance at an education institution;
- (f) in respect of education expenses covered from scholarship grants or subsidies from other sources.

5.5 Except for the maximum figure for education allowance, changes in salaries and allowances applied in the UN Secretariat shall be applied to the salaries and allowances of staff members in the professional category. The Meeting of the Parties shall review the system of applying these changes to salaries and allowances after it has been in operation for three years.

5.5bis Subject to paragraph 5.6, the Meeting of the Parties shall levy from each staff member's salary (and such other emoluments of staff members as are computed on the basis of salary) an amount for Staff Assessment. Staff assessment rates shall be those in force in the UN at the time of the relevant levy.

5.6 Staff members of the Secretariat subject to national income tax shall be eligible for reimbursement of the tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the staff member's home country. The Staff Assessment will not be levied in respect of employees who are subject to national taxes on income that cannot be reimbursed.

5.7 Staff members in the general services category required by the Executive Secretary to work more than 40 hours during one week will be compensated. The method of compensation will be determined by the Executive Secretary in consultation with the staff member and shall include one of the following options:

- (a) with compensatory leave equivalent to hours of overtime performed; or
- (b) by remuneration per overtime hour, to be estimated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.14, at the rate of double time.

5.8 Staff members in the professional category are not entitled to overtime pay or compensatory leave.

5.9 The Secretariat shall pay duly justified and authorized representation expenses incurred by a staff member in the performance of his or her duties within the limits prescribed annually in the Budget.

5.10 Each staff member shall have their performance assessed annually by the Executive Secretary. The annual performance review of the Executive Secretary shall be completed by the Chairperson of the Meeting of the Parties on behalf of the Meeting of the Parties. A summary of the performance review will be provided to the Meeting of the Parties annually.

5.11 Staff members may receive annual increments at the discretion of the Executive Secretary (or, in respect of the Executive Secretary, the Meeting of the Parties) on the basis of satisfactory performance. There is no guarantee that any staff member's salary or wages will be increased. Increments shall cease once the staff member has reached the highest level in the category in which he or she is serving.

REGULATION 6

RECRUITMENT AND APPOINTMENT

6.1 The Meeting of the Parties shall appoint the Executive Secretary and shall establish his or her remuneration and such other entitlements as it deems appropriate.

6.2 In accordance with Rules 7.1 and 7.2 of the Rules of Procedure of the Meeting of the Parties, the Executive Secretary shall appoint, direct, and supervise staff to positions as designated by the Meeting of the Parties, on the terms and conditions of employment provided for in these Regulations.

6.3 Offers of appointment to the Secretariat may require the persons selected to undergo a medical examination and present a certificate stating that they have no medical condition that might prevent them from performing their duties or which might endanger the health of others. The medical examinations shall be at the expense of the Meeting of the Parties.

6.4 Upon selection, each prospective staff member shall receive an offer of appointment stating:

- (a) that the appointment is subject to the Staff Regulations applicable to the category of appointment in question, and to changes which may be duly made in such Regulations from time to time;
- (b) the nature of the appointment;
- (c) the date on which the staff member is required to commence duty;
- (d) the period of appointment, the notice required to terminate it and the period of probation;
- (e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
- (f) the allowances attached to the appointment; and
- (g) any special terms and conditions which may be applicable.

6.5 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

REGULATION 7

LEAVE

7.1 Staff members shall be entitled to accrue annual leave at the rate of two and half workdays for each full month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 30 workdays may be carried over to the following year.

7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Secretariat and the Meeting of the Parties. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members. The Chairperson of the Standing Committee on Administration and Finance (SCAF) shall approve the Executive Secretary's leave.

7.3 Until such time as the Meeting of the Parties appoints a Chairperson of the SCAF, the functions of the Chairperson of the SCAF described in these Regulations shall be carried out by the Chairperson of the Meeting of the Parties.

7.4 Annual leave may be taken in one or more periods. The total amount of annual leave taken in any calendar year shall not be longer than 45 days under any circumstances.

7.5 Any absence not approved within the terms of these Regulations shall be deducted from annual leave.

7.6 Staff members who, upon termination of their appointment, have accumulated annual leave that has not been taken shall receive the cash equivalent estimated on the basis of the last salary received. No staff member shall be granted sick leave for a period of more than three consecutive days and more than a total of seven working days in any period of twelve months without producing a medical certificate. Non-certified absence in excess of the number of days specified in this article shall be deducted from the staff member's annual leave or, in the absence of sufficient annual leave, charged as leave without pay.

7.7 Staff members are entitled to sick leave, with an appropriate medical certificate, but such leave will not exceed twelve months in any four consecutive years. The first six months of such leave in this period of four years shall be on full salary, and the second six months shall be on half salary. No more than four months on full salary shall normally be granted in any period of twelve consecutive months.

7.8 Sick leave may also be used to care for a staff member's spouse, child or parent with a serious health condition.

7.9 After one year of employment in the Secretariat, eligible staff members shall be entitled to maternity leave for the birth of a child. The employee will be entitled to twelve weeks paid leave, up to six weeks of which may be taken prior to the expected due date of the child. During this period employees shall receive pay at a rate equal to their average pay for the last twelve months and corresponding allowances.

7.10 After one year of employment in the Secretariat, eligible staff members shall be entitled to up to eight weeks of paternity leave for the birth of a child. During this period employees shall receive pay at a rate equal to their average pay for the last twelve months and corresponding allowances.

7.11 Paid parental leave of eight weeks is available to employees who have assumed the care of a child they intend to adopt or foster to care for the newly placed child

7.12 Staff members shall be entitled to bereavement leave of up to five days upon the death of an immediate family member and up to three days for a relative other than an immediate family member. Reasonable travel time to and from destination will not be counted under these limits.

7.13 After 18 months of service the Secretariat shall pay travel expenses (payment of economy class air fares or equivalent transport costs, but not accommodation expenses, travel allowance or any other travel expenses) to the staff member's home country on annual leave for staff members (other than staff members who were resident in La Reunion at the time of appointment) and their spouse and dependants. Following this, home leave shall be granted at two-year intervals provided that:

a) dependants of staff members are only entitled to have their travel expenses paid under this Regulation where they have resided in La Reunion for at least 6 months prior to travel;

It is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months after returning from paid home leave. Where a staff member ceases employment within 6 months of returning from paid home leave, he or she shall repay the travel expenses paid by the Secretariat, unless the Meeting of the Parties decides otherwise.

7.14 Where a staff member's dependant child or children reside and are educated outside of La Reunion, then one return economy class flight each year between place of education and La Reunion may be accessed by:

- i. each dependant child being educated outside La Reunion, or
- ii. the staff member or spouse to visit the child if:
 - a. this visit occurs during a twelve month period in which home leave is not accessed; and
 - b. providing the journey is not made within the final six months of the contract

For the purpose of this paragraph the "place of education" is taken to be the recognised home.

7.15 The possibility of combining travel to home country on leave with official travel in Secretariat service may also be considered and approved by the Executive Secretary, or by the Chairperson of the SCAF in the case of leave for the Executive Secretary, provided the interests of the Meeting of the Parties are duly borne in mind.

7.16 Staff members shall be entitled to the statutory holidays in the host country and other holidays that may be designated by the host country's government from time to time, such as for national elections and other special circumstances. Applicable statutory holidays are described in Annex A of these Regulations.

7.17 If under special circumstances staff members are required to work on one of the aforementioned days the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the needs of the Secretariat.

REGULATION 8

SOCIAL SECURITY

8.1

(a) It is a condition of employment that internationally recruited employees who are not eligible or choose not to access the social security system applying in the host country shall contribute to:

- (i) a recognized retirement fund;
- (ii) medical and hospital insurance cover, including for their spouse and dependants who are not eligible for publicly funded health services, and
- (iii) life and disability insurance cover.

(b) The Secretariat shall pay two-thirds of the total contribution of the retirement fund and the insurance premiums listed in the above subparagraph, up to the maximum percentage applying in the UN Secretariat from time to time of the total of the staff member's salary. Such payment shall be by way of reimbursement upon the production of receipts, or shall be paid direct together with the employee's contribution.

Staff members who are not internationally recruited shall have such terms and conditions to ensure that they are not disadvantaged

8.2 Staff members in both the professional category and general services category may be required to undergo further medical examinations from time to time as determined by the Executive Secretary or the Meeting of the Parties as the case may require. The medical examinations shall be at the expense of Secretariat.

8.3 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves a spouse and/or dependants, who shall be entitled to mortality allowances and return travel and removal expenses to country of origin, former residence or other agreed location if dependants are going to live with a relative in a different country at the expense of the Secretariat.

8.4 Eligibility of the dependants of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death. The Chairperson of the SCAF may extend this period in the case of special circumstances: e.g., to allow a dependent child to finish a school term.

8.5 The above mortality allowance referred to in regulation 8.3 shall be calculated in accordance with the following scale:

Years of Service	Months of Net Base Pay Salary Following Death
Less than 3 years	3 months
3 years and more, but less than 7 years	4 months
7 years and more, but less than 9 years	5 months
9 years and more	6 months

8.6 The Secretariat shall pay for shipment of the staff member's remains and personal effects from the place of death to the place designated by the spouse, next of kin, or other individual(s) designated by the staff member.

REGULATION 9

TRAVEL

9.1 All official travel by staff members shall be authorized by the Executive Secretary, or for travel by the Executive Secretary, by the Chairperson of the SCAF prior to being undertaken within the limits of the budget, and the itinerary shall be selected on the basis that is best suited for maximum effectiveness in the fulfillment of duties assigned. A summary of official travel and associated costs shall be presented to the Meeting of the Parties annually based on the last year of travel.

9.2 With regard to official travel, a travel allowance, generally consistent with UN practice, may be paid in advance for fares and daily living expenses. However, charges for hotel accommodations shall be reimbursed based on charges actually incurred.

9.3 Where possible, official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost. For land travel, first class or lower may be utilized. For air travel, only economy class shall be utilized wherever feasible, unless approved otherwise by the Executive Secretary or in the case of the Executive Secretary, with the approval from the Chairperson of the SCAF.]

9.4 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.

9.5 On taking up an appointment in the Professional Category each staff member shall be eligible for:

- (a) payment of economy class air fares (or equivalent) for him or herself, their spouse and dependants from their place of residence to the host country;
- (b) an Installation Grant calculated on the basis of the prevailing United Nations rate
- (c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to the host country, subject to a maximum volume of 30 cubic meters or one international standard shipping container,
- (d) (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Chairperson of the SCAF.

9.6 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorization of the Executive Secretary (or, in the case of the Executive Secretary, the Chairperson of the SCAF)], be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in La Reunion. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

REGULATION 10

SEPARATION FROM SERVICE

10.1 Staff members may resign at any time upon giving at least three months notice or such lesser period as may be approved by the Executive Secretary (or, for resignation by the Executive Secretary, by the Meeting of the Parties).

10.2 In the event of a staff member resigning without giving the required notice, the Chairperson of the SCAF reserves the right to decide whether repatriation expenses or any other allowances shall be paid.

10.3 The Executive Secretary may terminate the appointment of a staff member (or, for termination of the Executive Secretary, by the Meeting of the Parties) by giving 3 months written notice, when that termination is due to restructuring of the Secretariat or of any of its constituent bodies, or if the Meeting of the Parties would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in the rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action e.g. suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one month in advance subject to the prior notification of the Executive Secretary.

10.3bis Notwithstanding paragraph 10.3, after consultation with the Chairperson of the Meeting of the Parties and the Chairperson of the SCAF, a staff member may be terminated summarily by the Executive Secretary (or, for termination of the Executive Secretary, by the Meeting of the Parties) if the staff member has committed a gross dereliction of his or her duties. For the purposes of these Regulations, a gross dereliction of duties includes (but is not limited to) theft, bullying, violence in the workplace, harassment, intentional breach of confidentiality or misappropriation of information. In the event of a separation of service due to a gross dereliction of duties, any benefits set out in paragraph 10.5 shall be at the sole discretion of the Chairperson of the Meeting of the Parties.

10.4 In the event of involuntary separation from service with the Secretariat, staff members shall be compensated at a rate of one month base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of duties imposed in Regulation 10.4.

10.5 On separation from service, a staff member shall, subject to Regulation 10.7 below, be entitled to the following:

- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin

or former residence for the staff member, their spouse and dependant members of his or her family; or, at the discretion of the Chairperson of the SCAF, payment of economy class airfares to a new country of residence unless payment of these costs is offered by the new employer.

- (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in the host country to the country of origin or former residence, subject to a maximum volume of 30 cubic meters or one international shipping container; or, at the discretion of the Chairperson of the SCAF, payment of removal costs to a new country of residence unless payment of these costs is offered by the new employer.
- (c) a repatriation allowance generally consistent with UN practice.

10.6 At the discretion of the Chairperson of the SCAF, the right to the repatriation expenses listed below may be cancelled or reduced appropriately if:

- (a) the staff member fails to provide the three months advance notice as specified in Regulation 10.1;
- (b) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
- (c) the reason for separation from service was termination of employment due to gross dereliction of duty;
- (d) more than six months has elapsed between the staff member's separation from service and his or her return to his or her country of origin or former residence;
- (e) less than six months has elapsed since the staff member last visited his or her country of origin or former residence on home leave at the expense of the Secretariat ; or
- (f) the staff member has applied for or received status as a permanent resident of the host country.

REGULATION 11

TEMPORARY PERSONNEL UNDER CONTRACT

11. 1 The Executive Secretary may, subject to the approval of the Meeting of the Parties or its Chairperson and within the Secretariat's approved budget, contract temporary personnel necessary to discharge special duties in the service of the Secretariat and the Meeting of the Parties Such personnel shall be classified as additional help and may be paid on an hourly basis.

11.2 Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in La Reunion shall be utilized in such cases.

REGULATION 12
APPLICATION AND AMENDMENT OF REGULATIONS

12.1 Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary in consultation with the Meeting of the Parties.

In making any decisions as to the application or interpretation of these Regulations, the Executive Secretary will take account of the application or interpretation proposed by any relevant employee. However, any decision made by the Executive Secretary in respect of the interpretation of these Regulations, having consulted with the Meeting of the Parties and the relevant employee, will be final.

12.3 Situations involving the Executive Secretary shall be resolved by the Chairperson of the Meeting of the Parties in consultation with the Meeting of the Parties.

Matters not foreseen in these Staff Regulations that materially affect the operation of the Secretariat or the working conditions of the staff shall be brought to the attention of the Meeting of the Parties by the Executive Secretary.

Subject to the provisions of the Agreement, these Regulations may be amended by the Meeting of the Parties in accordance with its Rules of Procedure.

Annex A

1st January	New Year`s Day
	Easter Monday
1st May	Labor Day
8th May	Ascension Day
14th July	National Day
15th August	Assumption Day
1st November	All Saints Day
11th November	Victory 1918
20th December	Abolition of Slavery
25th December	Christmas