



## 10<sup>th</sup> Meeting of the Parties (MoP10)

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# Proposed Amendments to SIOFA's Staff Regulations: Enhancing Clarity and Alignment

MoP-10-06\_Rev1

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<b>Abstract</b>	<p>This working paper proposes amendments to the SIOFA staff regulations with the aim of enhancing clarity and aligning with best practices. The proposed methodology follows a structured approach, consisting of the <b>presentation of corresponding rules (I), the reasoning behind the need for clarification (II), examples drawn from UN rules for reference (III), and the proposed amendments (IV)</b>. By adopting this method, we seek to ensure transparency and coherence in our staff regulations while drawing inspiration from established frameworks.</p> <p>The first amendment pertains to Regulation 8 concerning social security coverage for internationally recruited employees not covered by the French social security system. <del>The second amendment relates to Regulation 9 regarding travel and the Daily Subsistence Allowance (DSA).</del> The second amendment concerns Regulation 10, specifically the separation from service and its implications when rehiring an employee for a different position.</p> <p>This paper proposes potential resolutions to address these issues and seeks validation from the Meeting of the Parties (MoP).</p>

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#### Recommendations

- The MoP to consider the proposed amendments of SIOFA's Staff Regulation [8](#) and 10
- The MoP to adopt provisions with enhanced clarity pertaining to Staff Regulation 8 and 10.

## Proposed Amendment 1: Regulation 8 - Social Security for Internationally Recruited Employees

- I. Presentation of the corresponding rule: Staff Regulation 8.1(b) states that the Secretariat shall pay two-thirds of the total contribution of the retirement fund and the insurance premiums.<sup>3</sup>
- II. Reasoning behind the need for clarification: To ensure clarity and understanding, it is necessary to explicitly define the separate contributions for the retirement fund and insurance premiums. The current wording suggests that the Secretariat will pay two-thirds of the combined total, without specifying the amounts allocated to insurance and amounts allocated to retirement.
- III. Example of UN rules on which to base the amendment: In UN staff regulations, there is a clear distinction between contributions to the retirement fund and insurance premiums. This separation allows for transparency and accurate allocation of resources.<sup>4</sup>
- IV. Proposed amendment: Amend Staff Regulation 8.1(b) as follows:

### 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~~

"The Secretariat shall pay two-thirds of the total contribution of the retirement fund and two-thirds of the total insurance premiums listed in the above subparagraph, up to the maximum percentage determined by the United Nations ~~and~~ from time to time, of the total of the staff member's salary ~~of the staff member~~. The retirement fund contribution and the

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<sup>3</sup> Reference to SIOFA STAFF Regulation 8 – ANNEX I

<sup>4</sup> Reference to Abstracts of UN HR Portal Staff Regulations Article VI (ANNEX II a); Regulations, Rules, and Pension Adjustment System of the United Nations Joint Staff Pension Fund Article 25 (ANNEX II b); Costing of United Nations insurance programmes (ANNEX II c)

insurance premium contribution shall be calculated separately based on their respective amounts."

By incorporating this clarification, the organization can ensure that the contributions to the retirement fund and insurance premiums are clearly distinguished, aligned with the UN approach, and provide a better understanding of the cost-sharing arrangement.

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**Proposed Amendment 3: Regulation 10 - Separation from Service and entitlements and allowances for staff members**

- I. Presentation of the corresponding rule: Regulation 10 (Separation from Service) does not currently contain information about entitlements and allowances for staff members.<sup>5</sup>
- II. Reasoning behind the need for clarification: The need for greater clarity on how entitlements and allowances for staff members who remain in a duty station but under a separate contractual arrangement was noted during the Meeting of the Parties (MoP9). The potential need to amend the SIOFA Staff Regulations to clarify any ambiguity on this matter was identified.<sup>6</sup>
- III. Example of UN rule on which to base the amendment: UN Rule 9.8 provides guidance on termination indemnity and can serve as a reference to inform the amendment. This rule outlines the calculation of termination indemnity based on different staff categories and includes provisions for length of service.<sup>7</sup>
- IV. Proposed amendment: Amend Regulation 10 to include a new subsection addressing entitlements and allowances upon termination. The proposed wording could be as follows:

**REGULATION 10  
SEPARATION FROM SERVICE**

"10.8 Entitlements and Allowances upon Termination

(a) Staff members, upon termination of their employment, shall be eligible to receive suitable entitlements and allowances as determined by the Organization, in accordance with applicable UN rules and regulations.

(b) The specific entitlements and allowances, including termination indemnity, shall be calculated in accordance with the relevant UN rules, taking into consideration the unique circumstances of each case.

(c) Length of service shall encompass the entire period of the staff member's continuous full-time employment, without considering interruptions due to special leave."

By amending Regulation 10 to include this new subsection, the Organization can provide greater clarity on entitlements and allowances upon termination, based on the guidance provided by **UN Rule 9.8**. This amendment will address the noted need for clarity and ensure transparency regarding the treatment of entitlements and allowances for staff members upon the termination of their employment.

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<sup>5</sup> Reference to SIOFA STAFF Regulation 10 – ANNEX VI

<sup>6</sup> Reference to MoP9 Report, para 223-225 – ANNEX VII

<sup>7</sup> Reference to UN HR Portal Staff Regulations Article IX - ANNEX VIII



**ANNEX I – SIOFA Staff regulations**

**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.

## ANNEX II

- ANNEX II a - UN HR Portal Staff Regulations

### Article VI Social security

#### Regulation 6.1

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

#### Regulation 6.2

The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave, maternity and paternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the United Nations.<sup>8</sup>

- ANNEX II b - Regulations, Rules, and Pension Adjustment System of the United Nations Joint Staff Pension Fund:

### Article 25

#### CONTRIBUTIONS

- (a) Contributions by the participant and by the employing member organization shall be payable to the Fund concurrently with the accrual of contributory service under article 22(a) at the percentage rates of pensionable remuneration specified below:<sup>9</sup>

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<sup>8</sup>Staff Regulations and Rules of the United Nations, Secretary-General's bulletin, 1 January 2018, Article VI, rule 6.1,6.2 ( <https://hr.un.org/page/staff-regulations#Regulation%206.1>)

<sup>9</sup>Regulations, Rules and Pension Adjustment System of the United Nations Joint Staff Pension Fund, Distr. General JSPB/G.4/Rev.27, 1 January 2023 (<https://www.unjspf.org/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/2022/05/UNJSPF-Regulations-Current.pdf#Article21>)



A	B	C
For periods of contributory service	Participant (percentage)	Employing member organization (percentage)
Before 1984 .....	7.00	14.00
As from 1 January 1984 to 30 June 1988 .....	7.25	14.50
As from 1 July 1988 to 30 June 1989 .....	7.40	14.80
As from 1 July 1989 to 31 December 1989 .....	7.50	15.00
As from 1 January 1990 .....	7.90	15.80

- ANNEX II c - Costing of United Nations insurance programmes

8. All plans administered by United Nations Headquarters, other than the HIP Health Plan of New York, are self-funded health benefit plans; they are not insured programmes. The cost of the programme is based primarily on the medical services provided to plan participants and directly reflects the level of utilization of the plan benefits by its participants. The yearly contributions paid by the participants and the portion of the premium paid by participating United Nations entities are used to cover claim costs plus a fixed administrative fee per primary subscriber (i.e. staff member or retiree), which represents less than 4 per cent of the total programme cost for the United States-based plans and about 8 per cent for the UN Worldwide Plan. Costs are borne by the plan participants and the Organization as follows:

(a) For United States-based plans, the United Nations and plan participants bear the costs collectively through a “two thirds to one third” cost-sharing arrangement approved by the General Assembly;<sup>10</sup>

<sup>10</sup> UN Secretariat, Information Circular, Renewal of the United Nations Headquarters-administered health insurance programme, effective 1 July 2019, 24 June 2019 (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/152/64/PDF/N1915264.pdf?OpenElement>)

**ANNEX III – SIOFA Staff regulations**

**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.

ANNEX IV – MoP9 Report – Extract Para 223-225.

223. During its discussions on the mid-year budget report, the Meeting of the Parties NOTED the need for greater clarity on how entitlements and allowances for staff members who remain in a duty station but under a separate contractual arrangement should be treated, and the potential need to amend the SIOFA Staff Regulations to clarify any ambiguity on this matter.

224. The Meeting of the Parties AGREED to hold further discussions intersessionally.

225. The Meeting of the Parties REQUESTED the Executive Secretary to consult with the United Nations Secretariat regarding United Nations practice in such cases and to provide advice to inform the Meeting of the Parties' intersessional discussions.<sup>11</sup>

ANNEX V - UN HR Portal Staff Regulations Article IX

**Rule 9.8**

**Termination indemnity**

(a) Payment of termination indemnity under staff regulation 9.3 and annex III to the Staff Regulations shall be calculated:

(i) For staff in the Professional and higher categories, on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (i);

(ii) For staff in the Field Service category, on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (i), plus language allowance, if any.

(iii) For staff in the General Service and related categories, on the basis of the staff member's gross salary, including language allowance, if any, less staff assessment, according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone.

(b) Length of service shall be deemed to comprise the total period of a staff member's full-time continuous service on fixed-term or continuing appointments. Continuity of such service shall not be considered as broken by periods of special leave. However, service credits shall not accrue during periods of special leave with partial pay or without pay of one full month or more.

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<sup>11</sup> Report of the Ninth Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement (SIOFA), 4-8 July 2022, para 223-225

(c) Termination indemnity shall not be paid to any staff member who, upon separation from service, will receive a retirement benefit under article 28 of the Regulations of the United Nations Joint Staff Pension Fund or compensation for total disability under staff rule 6.4.

(d) Upon application of a staff member who is to be separated as a result of an agreed termination of appointment or because of abolition of post or reduction in staff and who is within 2 years of age 55 years and 25 years of contributory service in the United Nations Joint Staff Pension Fund or who is over that age and within 2 years of 25 years of contributory service, the Secretary-General may place such staff member on special leave without pay for pension purposes pursuant to staff rule 5.3 (d) under conditions to be established by the Secretary-General.

(e) The Organization will, on the written request of the staff member prior to being placed on special leave pursuant to the preceding paragraph, pay the pension contribution of the Organization and/or the staff member during the period of special leave. The total amount of these contributions will be deducted from the termination indemnity otherwise payable.

(f) A staff member selecting the option of special leave described in staff rule 9.8 (d) shall sign an undertaking acknowledging that his or her status on special leave is solely for pension purposes and that his or her entitlements and those in respect of any dependants to all other emoluments and benefits under the Staff Regulations and Rules are determined as final as at the date of commencement of such special leave.<sup>12</sup>

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<sup>12</sup> Staff Regulations and Rules of the United Nations, Secretary-General's bulletin, 1 January 2018, Article IX, Rule 9.8 ( <https://hr.un.org/page/staff-regulations#Regulation%206.1>)