



Organisation intergouvernementale  
pour les transports internationaux  
ferroviaires (OTIF)

Zwischenstaatliche Organisation  
für den internationalen  
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation  
for International Carriage  
by Rail (OTIF)

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# **Staff Regulations**

**of the Secretariat of the Intergovernmental Organisation  
for International Carriage by Rail of 11 December 2017.**

**11.12.2017**



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## **PREAMBLE**

In accordance with Article 15 § 5 (c) of the Convention concerning International Carriage by Rail (COTIF) as amended by the (Vilnius) Protocol of 3 June 1999, the Administrative Committee lays down these Staff Regulations of the Secretariat of the Intergovernmental Organisation for International Carriage by Rail (OTIF, hereinafter the Organisation).

## **CHAPTER ONE GENERAL PROVISIONS**

### **Article one Scope and purpose**

§ 1 The Staff Regulations (hereinafter referred to as "the Regulations") embody the general principles for administration of the staff of the Secretariat of the Intergovernmental Organisation for International Carriage by Rail (hereinafter referred to as "the Secretariat" and sets out the duties, obligations and rights of its staff members, and their basic conditions of employment.

§ 2 The Regulations shall not apply to

- a) experts,
- b) temporary staff recruited for particular tasks or work,
- c) staff members specifically engaged for conferences,
- d) staff members in grades 10 to 5 recruited after 1 July 2014. The contractual relationship of these staff members shall be established in a contract of employment which shall refer to the employment law of OTIF's host State, and the provisions of these Regulations, except Chapters IX, X and XI, apply to such staff members under suppletory law.
- e) interns.

The pay and other conditions of employment of these staff shall be laid down in a contract by the Secretary General and the persons concerned.

§ 3 The Regulations shall also apply to family members of the Secretariat's former staff in so far as it covers the rights of family members.

**Article 2**  
**Competencies of the Administrative Committee**

- § 1 The Administrative Committee (hereinafter referred to as “the Committee”) shall settle those staff matters which are its reserve according to COTIF 1999 and these Regulations.
- § 2 Between meetings of the Committee and in urgent cases, its Chairman shall exercise the attributions which are the Committee's reserve. Decisions taken by the Chairman shall require subsequent approval by the Committee.
- § 3 The powers of the Committee's Chairman in accordance with § 2 shall not apply to decisions relating to appointments, promotions and salary adjustments of staff members in the Secretariat. If the Chairman is of the opinion that appointments must be made between sessions of the Committee, he shall, on the basis of a proposal from the Secretary General, use the written procedure to submit the question to be decided to the Committee. This procedure shall be established in its Rules of Procedure.

**Article 3**  
**Competencies of the Secretary General**

- § 1 The Secretary General shall settle all matters which are not the reserve of the Committee. He shall, within the scope of his competencies, represent the Organisation in relation to third parties and his signature shall commit the Organisation.
- § 2 The Secretary General shall pass those implementing provisions in the Regulations that he considers necessary. These shall be compatible with the provisions of the Regulations and shall be brought to the attention of the Committee before they are put into force.

**CHAPTER II**  
**DUTIES, OBLIGATIONS, PRIVILEGES AND IMMUNITIES**

**Article 4**  
**Status of staff members**

- § 1 The responsibilities of staff members of the Secretariat are not of a national, but exclusively of an international nature. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the Organisation only in view.
- § 2 Staff members shall be subject to the supervision and decision-making powers of the Secretary General. They shall be responsible to him in the exercise of their functions.



**Article 5**  
**Duties, obligations and responsibilities**

- § 1 Staff members shall neither seek nor accept instructions from any government or from any other authority external to the Organisation.
- § 2 They shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall avoid any action, and in particular any kind of public pronouncement, which may adversely reflect on the international civil service or which is incompatible with the integrity, independence and impartiality which are required by that status.
- § 3 Staff members shall not be engaged in any political activity which is inconsistent with the independence and impartiality required by their status as international civil servants or which may cast doubt upon such independence and impartiality.
- § 4 No staff member shall accept any honour, decoration, gift, remuneration or any other favour from any source external to the Organisation without first obtaining the approval of the Chairman of the Committee after he has obtained an opinion from the Secretary General. The Chairman shall only give his approval if the staff member's acceptance is not incompatible with the terms of §§ 1 to 3 and with his status as an international civil servant. For such acceptance on the part of the Secretary General, the Committee's agreement shall be obtained.
- § 5 Staff members shall not engage in any remunerated activity external to the Organisation without prior approval. For the Secretary General, approval shall be given by the Chairman of the Committee and for other staff members, by the Secretary General. Approval shall only be given if the activity will not prejudice the fulfilment of their official duties within the Organisation.
- § 6 Staff members shall exercise the utmost discretion in regard to all matters of official business which, owing to their nature or special instructions, must remain secret. This obligation shall not cease upon separation from service within the Organisation. In cases of doubt, the Secretary General's opinion shall be obtained and complied with.
- § 7 Staff members shall carry out their superiors' orders and instructions, provided the conduct required of them is not criminal, contrary to regulations or demeaning. Staff members shall advise and support their superiors.
- § 8 Staff members shall be fully committed to their occupation. They shall not use their position to further their own interests and shall manage their position to the best of their knowledge. Their conduct at work and outside work shall be in accordance with the trust and esteem required by their position.

- § 9 Staff members are required to undertake further training. Full particulars are covered by the implementing provisions to be issued by the Secretary General. Further training shall not entitle a staff member to promotion or other job-related changes within the Secretariat.
- § 10 Any staff member who infringes his obligations may be required to make good in whole or in part the damage caused to the Organisation.

### **Article 6** **Privileges and immunities**

The privileges and immunities attached to the Organisation and to its staff by virtue of the Agreement concluded on 10 February 1988 between the Swiss Federal Council and the Organisation on establishing the legal status of the Organisation in Switzerland are conferred solely to ensure the unrestricted operation of the Organisation and the complete independence of its staff members at all times. These privileges and immunities furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations that are in force. In any case where these privileges and immunities arise, the staff member concerned shall immediately report to the Secretary General. The Secretary General shall waive staff member's immunity in any case where maintaining it would obstruct the process of law and where it can be waived without affecting achievement of the purpose for which it was accorded. With regard to the Secretary General, waiver of immunity in the same circumstances shall fall to the Committee.

## **CHAPTER III** **CREATION, CLASSIFICATION AND ABOLITION OF POSTS**

### **Article 7** **Creation and abolition of posts**

The creation and abolition of posts shall be decided by the Committee on the basis of such proposals by the Secretary General. The creation of part time posts (working hours to be determined as a percentage) shall be permissible.

**Article 8**  
**Classification of posts**

§ 1 Posts in the Secretariat shall be classified in one of the following grades, taking into account the duties and responsibilities attaching to each post and of the training, ability and experience required of the staff member:

|          |   |  |
|----------|---|--|
| Senior   |   | Secretary General                            |
|          |   | First Counsellor                             |
|          |   | Counsellor                                   |
|          |   | Assistant Counsellor                         |
| Grade 1  | } | Senior Officer/Translator/Head of Department |
| Grade 2  |   |  |
| Grade 3  | } | First Officer                                |
| Grade 4  |   |  |
| Grade 5  | } | Administrative assistant                     |
| Grade 6  |   |  |
| Grade 7  | } | Secretary                                    |
| Grade 8  |   |  |
| Grade 9  | } | Assistant Secretary                          |
| Grade 10 |   |  |

For posts in grades above grade 5, the recruitment of international staff subject to these Regulations will be preferred.

§ 2 In the appropriate circumstances, the titles "First Counsellor" and "Counsellor" may be followed by the additional title "Deputy Secretary General";

§ 3 Titles may, when appropriate, be used in the feminine form.

§ 4 Classification of the senior posts shall be decided by the Committee on the basis of a proposal by the Secretary General, while that of the other posts shall be decided by the Secretary General, subject to Committee approval for grades 1 to 3.

**Article 9**  
**Classification criteria**

- § 1 The criteria for assigning a grade or grades to each post shall be as follows:
- a) the nature and degree of difficulty of the main tasks involved in the post,
  - b) requirements of the service,
  - c) the level of responsibility,
  - d) the nature and scope of decision-making authority,
  - e) the skills, education and experience essential for performing successfully the tasks required by the post.
- § 2 When classifying posts, the principles of an organised hierarchical and seniority structure and those of a salary structure based on qualifications shall also be taken into account. At the same time, opportunities for further professional development in each post shall also be incorporated.
- § 3 On a proposal from the Secretary General, the classification of a post may be altered, while safeguarding a post holder's established rights, where applicable, if the criteria of § 1 (a) to (e) change to a considerable extent and for the long term.

**Article 10**  
**Basic skills**

- § 1 Posts at grades 2 and 1, and senior posts shall require the ability to take the initiative, organisational skills, willingness to assume responsibility and a high level of independent work. The posts of Secretary General and his deputy shall include management and supervisory tasks, as well as representing the Organisation externally.
- § 2 Posts at grades 10 to 3 shall mainly include well-defined executive and routine tasks (administrative tasks performed in accordance with specific instructions).
- § 3 The basic skills required of post holders at grades 2 and 1 and in the senior grades shall be as follows:
- a) Education: university degree or equivalent; exceptionally, professional experience (10 to 15 years) and particular knowledge and skills may justify a derogation from this rule.
  - b) Experience: several years practical experience in a State service, international organisation, international association or railway undertaking or exceptionally, in another area corresponding to the tasks involved in the post (e.g. in general administration or finance), sufficient international experience is desirable.

- c) Languages: excellent knowledge of one of the Organisation's working languages and at least a good knowledge of the other working language; the holder of such a post shall be able to draft easily and correctly in one of the official languages.
  - d) Any further basic skills required of the Secretary General and his deputy shall be laid down in individual cases by the Administrative Committee in light of his particular tasks, taking account, if necessary, of relevant guidelines from the General Assembly.
- § 4 Depending on the tasks involved in the particular post, the basic skills required of post holders at grades 3 and 4 shall be as follows:
- a) Education: completion of college of higher education or an equivalent establishment; in exceptional cases, professional experience (5 to 10 years) and particular knowledge and abilities may justify derogations from this rule.
  - b) Experience: at least 5 years professional experience in the specialist area for which the post holder is appointed, practical experience in international activities.
  - c) Languages: very good knowledge of one of the Organisation's working languages and good knowledge of another working language; the holder of such a post shall be able to draft comprehensibly in one of the languages of the Secretariat.
- § 5 Depending on the tasks involved in the particular post, the basic skills required of post holders at grades 5 and 10 shall be as follows:
- a) Education: attendance at a secondary school, business school or equivalent educational establishment, completed with a certificate or degree/diploma; if applicable, professional apprenticeship completed with a certificate demonstrating proof of qualification.
  - b) Experience: at least two years professional experience in the area of work for which the post holder has been appointed.
  - c) Languages: good knowledge of one of the Organisation's working languages and knowledge of one of the other languages. Typists shall have a perfect command of one of the working languages.

## **CHAPTER IV APPRAISAL**

### **Article 11 Annual appraisal**

A professional appraisal interview shall take place each year. The interview shall be conducted by the staff member's direct hierarchical superior. The interview will cover a number of subjects, such as the staff member's professional results, the objectives to be achieved in the coming year, his performance, training requirements and prospects for professional advancement. For staff members in management positions, the interview shall assess how the staff member has carried out the management duties with which he has been entrusted.

The appraisal interview shall be documented using the model shown in Annex III. The report shall be signed and prepared by the direct hierarchical superior and shall include the comments of the staff member concerned, unless the latter does not wish to make any comments. Whatever the staff member's position in the hierarchy, the report shall also be signed by the Secretary General.

The report on the staff member's professional performance shall serve as a reference for advancements and promotion.

### **Article 12 Advancements within grade**

- § 1 Subject to satisfactory performance of their duties, staff members shall receive an increment in their basic annual salary every two years (so-called periodic increase) in accordance with the salary scale given in Annex I.
- § 2 If official duties are not performed satisfactorily, the increment may be refused. This shall be subject to the condition that the possibility of such a step has been discussed in the previous performance appraisal in accordance with Article 14.
- § 3 The increment of one step after one year or the increment of more than one, but not more than three steps, may be awarded when the excellent performance of tasks has been demonstrated.

### **Article 13 Basic salaries of staff members upon promotion**

The basic salary of staff members upon promotion shall be determined as follows:

- a) during the first year following promotion, the basic salary shall be set so that a staff member receives an amount corresponding to one step in the grade to which he has been promoted, in addition to the amount they would have received without promotion. However, if the basic salary at the lowest step of the new grade yields a greater amount, he shall be entitled to this salary.
- b) the step rate and date of the periodic increment in the higher salary grade (Art. 12) shall be fixed accordingly.

#### **Article 14 Promotions**

- § 1 Subject to the criteria applicable to the grading of posts and provided they do not conflict with official interests, promotions shall be awarded on the basis of ability, experience and the quality of service provided. Seniority shall be a determining factor only when other qualifications are equal.
- § 2 Staff members may not claim promotion.
- § 3 As a rule, the prerequisite for a promotion is that a post shall become free at a higher grade for which the person to be promoted has successfully applied. Internal applications shall not exclude such posts from being advertised externally. In the interest of the Organisation, all applications shall be considered in choosing the candidate, without automatic priority for internal candidates.
- § 4 In cases where a staff member's job description is supplemented with additional or more demanding tasks, a member of staff remaining in the same post may, after a suitable, successfully completed trial period, be awarded promotion.
- § 5 A member of staff may also be awarded promotion in specially justified exceptional cases if he has continuously provided a service in accordance with that which usually has only to be provided by post holders in posts at higher grades.

#### **Article 15 Bonuses**

The Secretary General may award a bonus to certain staff members for outstanding service. An annual bonus may also be awarded on the basis of the staff member's performance in the previous year. Each year, the Secretary General shall issue an instruction setting the total amount available for staff bonuses. The Administrative Committee shall be informed of this instruction.

### **CHAPTER IV - BIS SALARIES, ALLOWANCES, PAYMENTS**

#### **Article 16 Gross salaries and internal taxation**

- § 1 Gross salaries shall be determined by adding the staff contributions calculated in accordance with § 2 to basic salaries (net salaries). They shall be subject to internal taxation. The absence of internal taxation for a given period does not constitute an acquired right for subsequent periods.
- § 2 Personnel contributions shall correspond to the total amount of Federal, Cantonal and local taxes to be paid in the city of Berne for an equivalent income in conformity with the tax provisions applicable on the date the annual basic salary scale shown in Annex I (Article 15 § 1) entered into force or was last revised.

**Article 17**  
**Basic salaries**

- § 1 The annual basic salaries (net salaries) are shown in Annex I.
- § 2 The Committee shall be empowered to adjust the basic salaries on the basis of a proposal by the Secretary General and if circumstances so require and permit, taking into account general developments in international civil service salaries in Switzerland.
- § 3 In principle, a staff member shall be appointed at the commencing salary of his grade, unless particular circumstances, such as the staff member's experience and other qualifications for the duties and responsibilities attaching to his post or if occupation of the post by a skilled person, justify or make a higher salary necessary. The decision on the basic initial salary shall rest with the Committee in respect of the senior grades 1 to 4. For other grades, the decision shall rest with the Secretary General.

**Article 18**  
**Dependency allowances**

- § 1 Staff members shall be entitled to receive dependency allowances as follows which, like the basic salaries (Art. 17 § 2), may also be adjusted:
- a) allowance for spouse: an annual allowance for a dependent spouse and partner; a spouse shall be deemed to be dependent if his/her annual taxable income, after deduction of income tax, is less than the basic salary of the first step of grade 10.
  - b) child allowance: an annual allowance for each dependent child; a child shall be deemed to be dependent if he/she is unmarried and the staff member meets the greater part of the costs of maintaining the child on a regular basis, provided the child is under 18, or under 25 if he/she regularly attends a school, university or similar educational institution.
  - c) disabled child allowance: an annual allowance for each dependent child in accordance with (b) who, irrespective of his or her age, is physically or mentally incapacitated for work.

The Secretary General shall decide in each case whether the allowances referred to in (b) and (c) above shall be paid in respect of adopted children or step-children.

- § 2 Dependency allowances are shown in Annex I.
- § 3 The child allowance shall be reduced by the amount of any allowance or grant otherwise received by the staff member or the staff member's spouse in respect of the child. Where divorce or legal separation has occurred and the child does not reside with the staff member, dependency allowance shall be payable only if the staff member submits sufficient evidence that he has assumed responsibility for the continuing support of the child.



- § 4 Claims for dependency allowance shall be submitted yearly, in writing, and shall be supported by documents satisfactory to the Secretary General. It is the staff member's responsibility to notify the Secretary General immediately of any change in the status of a dependent affecting the payment of this allowance.

### **Article 19** **Special post allowance**

- § 1 Subject to the prior agreement of the Chairman of the Committee, the Secretary General may pay a special post allowance for extra duties to any staff member who is required to assume temporarily the duties of a post in a higher grade than that of the post he normally occupies. This allowance shall be payable as from the beginning of the fourth month after the date on which the staff member has assumed the duties of the post in the higher grade.
- § 2 The amount of the special post allowance shall be equivalent to the salary increase the staff member would have received had he been promoted to the grade at which the post he actually occupies is assigned.
- § 3 If a member of staff has been assigned a task for special reasons which, as a rule, would have to be performed by the holder of a post at a higher grade, a pay supplement, taking into account the time required, may be awarded, which shall be calculated on the basis of the salary of the post at the higher grade. Article 20 Study fees allowance

### **Article 20** **Education grant**

- § 1 An education grant shall be available to every non-Swiss staff member recruited internationally for a period of at least twelve months for each dependent child who regularly attends a school, university or similar educational institution which will facilitate the child's re-assimilation in the staff member's home country.
- § 2 For the purpose of this Article, the term "dependent child" means a child in respect of whom the staff member receives a dependency allowance in accordance with Article 18 § 1 (b) or (c). The last sentence of Article 18 § 1 shall apply by analogy.
- § 3 An education grant shall not be paid in respect of children:
- a) who attend kindergarten or nursery school;
  - b) who attend a non fee-paying educational institution or an institution charging only nominal fees;
  - c) who receive private tuition, except in the case provided for in § 4;

- d) who undertake vocational training or apprenticeships which either do not involve full-time schooling or in which the child receives any payment for the services rendered.
- § 4 If the child attends a local school in which the instruction is given in a language other than his own, the Secretary General shall decide in each case whether the education grant shall be paid for tuition of the child's mother tongue. In such a case, the allowance may also be paid for private tuition if there is no establishment in Berne where the child can learn its mother tongue satisfactorily.
- § 5 The amount of the education grant shall be set as follows:
- a) if the child attends an educational institution outside the Berne region and the institution provides the child's board and accommodation, 75% of the school fees, board and accommodation shall be reimbursed, up to a maximum of 5,644.- Swiss Francs per school year; if the institution does not provide the child's board and accommodation, the allowance shall be 2,900.- Swiss Francs, plus 75% of the school fees, up to a maximum of 5,644.- Swiss Francs per school year.
- b) If the child attends an educational institution in the Berne region, 75% of the school fees shall be reimbursed, up to a maximum amount of 5,644.- Swiss Francs per school year; if a staff member resides outside the Berne region, the child shall be deemed to be attending an institution in the Berne region if he attends an educational institution at the place of residence of the staff member.
- § 6 The following shall be considered as "school fees": enrolment fees, cost of prescribed text books, courses, examinations and diplomas. The following shall not be included: boarding fees, school uniforms and optional expenses. Where local conditions justify such provision, school fees may include the cost of midday meals, if these are provided by the educational institution, and the cost of daily group transportation.
- § 7 If the child attends an educational institution for less than two thirds of the school year, the ratio between the allowance paid and the annual allowance shall be equal to the ratio between the length of attendance and the school year.
- § 8 If the staff member's period of service does not correspond to the entire length of the school year, the ratio between the grant paid and the annual grant shall be equal to the ratio between the length of service and the school year.
- § 9 If the child attends an educational institution situated outside the Berne region, the staff member shall, subject to the following conditions, be entitled once per school year to payment of the cost of a return journey for the child between the educational institution and Berne (journey in the context of the education grant):

- a) travel expenses shall not be paid if the journey is unreasonable, either because of its timing in relation to other authorized travel of the staff member, or his spouse, or because of the brevity of the visit in relation to the expense involved.
  - b) travel expenses shall not be paid if the child attends the educational institution for less than two thirds of the school year.
  - c) the amount paid shall not exceed the cost of a return journey between the staff member's home country and Berne; Article 37 shall apply by analogy.
- § 10 Claims for education grant shall be submitted in writing; the necessary supporting documents shall be attached.

**Article 21**  
**Reimbursement of education**  
**or training costs for a disabled child**

- § 1 Any staff member having a dependent child with a medically confirmed disability requiring specialised care, special supervision, specialised education or training which is not provided free of charge may request reimbursement of the related costs, irrespective of the child's age.
- § 2 The Secretary General shall decide the entitlement to reimbursement on the basis of a medical certificate and shall determine, subject to a new decision, the period for which the costs shall be paid.
- § 3 The criterion for assessing a claim for reimbursement of costs shall be the serious and chronic effects upon the child's physical or mental abilities. Thus, children suffering from the following, for example, can be considered to be disabled:
- a) a serious or chronic disorder of the central or peripheral nervous system, irrespective of the cause: encephalopathies, myelopathies or peripheral types of paralysis;
  - b) a serious disorder of the motor system;
  - c) a serious disorder of one or more sensory organs;
  - d) a chronic and incapacitating mental illness.
- § 4 A claim for reimbursement can only be upheld to cover the following costs:
- a) those incurred with a view to providing the disabled child with an education or training programme designed to meet his needs in order to achieve the best possible level of functional ability, and
  - b) those that are not of the same type as those taken into consideration for the education grant.

- § 5 The reimbursement of education or training costs shall correspond to 90% of the costs defined in § 4. The Secretary General shall assess the reasonableness of the costs for which reimbursement is claimed.
- § 6 The staff member shall provide proof that he has exhausted all other sources of assistance available to him for the child's education and training in accordance with § 4, particularly those offered nationally or locally by public bodies, or by the staff member's health insurance. The amount of any benefit received from other sources shall be deducted from the costs taken into consideration in calculating the reimbursement.

**Article 22**  
**Salary advances**

- § 1 Salary advances may be made:
- a) in cases where new staff members arrive without sufficient funds;
  - b) upon departure for extended official travel or approved leave, up to the amount that would fall due for payment during the anticipated period of absence;
  - c) in exceptional and compelling circumstances, and if the request of the staff member is supported by a detailed justification in writing.

Advances granted under (a) and (c) may not be greater than the amount of two months salary.

- § 2 Advances must be repaid by instalments, as determined at the time the advance is authorized and within a period which must not normally exceed six months. A new advance may not be granted until the previous one has been repaid.

**CHAPTER V**  
**RECRUITMENT PRINCIPLES**

**Article 23**  
**Nominations**

- § 1 The paramount consideration in the recruitment of staff and in the determination of their conditions of service shall be the necessity of securing for the Organisation the service of people with the highest standards of efficiency, competence and integrity.
- § 2 Selection of staff members shall be made without distinction as to race, sex or religion.
- § 3 For the recruitment of senior staff members and staff members in grades 1 to 4, an equitable geographical distribution in respect of the nationality of staff members shall be taken into account as far as possible.

**Article 24**  
**Competence and procedure**

- § 1 The First Counsellor, Counsellors and Assistant Counsellors shall be appointed by the Committee on the basis of a proposal by the Secretary General.
- § 2 Staff members in grades 1 to 10 shall be appointed by the Secretary General, subject to approval by the Committee with regard to the appointment of staff members in grades 1 to 4.
- § 3 The Secretariat shall inform the Member States in good time of any vacant posts at senior grade and in grades 1 to 4. The minimum period allowed for the submission of applications by the Member States shall normally be 3 months. In cases where there might also be applications for a vacant post from within the Secretariat, the Secretary General shall inform the Member States.

**Article 25**  
**Appointment of members of the same family**

- § 1 The Organisation shall not appoint any staff member's spouse, partner, father, mother, son, daughter, brother or sister.
- § 2 If two staff members conclude a civil partnership, the benefits and entitlements which accrue to them in accordance with the Regulations shall be modified; the other conditions of appointment shall not be affected.

**Article 26**  
**Medical examination**

- § 1 No permanent appointment or an appointment in accordance with Article 30 shall be made until a doctor approved by the Secretariat has issued a medical certificate to the effect that the candidate is free from any disability or disease which would interfere with the proper discharge of his duties.
- § 2 In cases where, on the basis of clear and repeated indications, the Secretary General gains the impression that owing to physical or mental illness, a staff member's health appears to be having a negative effect, on either a permanent or long-term basis, on his ability to discharge his official duties, the Secretary General may prescribe that a medical examination be carried out by a doctor approved by the Secretariat. Before such a decision is taken, the Staff Association shall be consulted. Article 59 § 7 shall not apply. The staff member concerned shall be consulted on the Secretary General's intention and the consultation of the Staff Association.

**Article 27**  
**International recruitment**

Senior staff members and those in grades 1 to 4 shall be internationally recruited.

**Article 28**  
**Local recruitment**

Every staff member in grades 5 to 10 shall be recruited locally if, at the time of recruitment, he is a Swiss national or if, irrespective of his nationality, he resides in Switzerland.

**Article 29**  
**Nationality**

- § 1 In the application of the Staff Regulations, the Organisation shall not recognize more than one nationality for each staff member.
- § 2 In the application of the Staff Regulations, a staff member having several nationalities shall be deemed to be a national of the State with which the staff member is, in the opinion of the Secretary General, most closely associated.

**Article 30**  
**Types of appointment**

- § 1 Members of staff shall be appointed on a temporary basis for a fixed contractual term of five years maximum. Temporary appointments may be renewed three times, for a total contractual period of not more than 12 years. The members of staff concerned shall be notified, at the latest 6 months before their current, fixed-term contract of employment expires, whether they are not to be offered an appointment or whether they are to be offered a further fixed-term or a permanent appointment once their current contract expires. In the case of exceptional service, a temporary appointment may be changed to a permanent appointment after 5 years.
- § 2 For temporary tasks, staff members may be appointed for a period not exceeding one year, which may be renewed twice.
- § 3 For part time posts (Art. 7, second sentence), the working hours shall be determined as a percentage of the regular working hours.
- § 4 Employment contracts shall include a probation period of three months, renewable once for three months. At least one month before a probation period expires, the Organisation shall inform staff members if the Organisation does not intend to renew the contract or if it intends to renew the probation period. Non-renewal of a contract of employment beyond the probation period shall not be deemed as a dismissal within the meaning of Article 48.

**Article 31**  
**Contract of employment**

- § 1 Upon appointment, each staff member shall receive a contract of employment signed either by the Chairman of the Committee in the cases provided for in Article 24 §§ 1 and 2, or by the Secretary General or his deputy in the cases provided for in Article 24 § 3.
- The Secretary General shall receive a letter of appointment from the Chairman of the General Assembly, signed by him.
- § 2 A copy of the Staff Regulations and, if applicable, a copy of the Pension Plan Regulations of the Publica Federal Pension Fund shall be transmitted to the staff member at the same time as his contract of employment for signature.

**CHAPTER VI**  
**WORKING HOURS AND ORGANISATION OF WORK**

**Article 32**

**Hours of work and work schedule, working at home**

- § 1 The working week shall be 40 hours over five days (Monday to Friday). The Secretary General may decide derogations from this rule to take account of the needs of the service. Subject to authorisation from the Secretary General, staff members may choose to work more than 40 hours per week, which will be compensated by additional annual leave.
- § 2 The Secretary General shall determine the working hours (set or flexible hours). Staff members shall be required to work beyond the normal duration of work whenever requested to do so for official reasons.
- § 3 In specially supported cases, the Secretary General may give approval for the staff member to work from home. The duration of such approval shall be strictly limited.
- a) Specially supported cases include, e.g., exceptional family circumstances, exceptional circumstances concerning transport connections to the place of work or exceptional weather conditions.
  - b) The prerequisite for such approval is that the possibilities for working at home are equivalent to those available at the usual place of work. This shall in particular include the same access as at the usual place of work to equivalent electronic communications and uninterrupted availability by telephone during working hours.
  - c) A request for approval to work at home shall be made as quickly as possible using the method by which the approval can be obtained once the circumstances that justify the request have occurred.

**Article 33**  
**Overtime**

- § 1 The following shall be considered as overtime:
- a) in the case of set working hours, time that has to be worked outside these hours;
  - b) in the case of flexible working hours,
    - 1) time that has to be worked before the earliest possible start time or after the latest possible finishing time, or
    - 2) time that has to be worked within the limits of the earliest possible start time and the latest possible finishing time, if more than 10 hours per month.



Overtime shall be compensated only when it is worked with the prior approval of the Secretary General.

- § 2 Overtime worked by senior staff members shall not be compensated.
- § 3 Staff members in grades 1 to 4 who are required to work substantial or recurrent periods of overtime may be granted compensatory time off if the exigencies of the service permit.
- § 4 Staff members in grades 5 to 10 who are required to work overtime shall be entitled to compensatory time off equivalent to the number of additional hours worked, up to a maximum of 120 hours per year. This time off shall be granted as soon as the exigencies of the service permit.
- § 5 If the necessities of the service do not permit the grant of compensatory time off, the overtime shall be compensated in cash on the basis of the staff member's annual salary and required number of working hours, up to a maximum of 120 hours per year.

#### **Article 34 Official holidays**

- § 1 The following days shall be official holidays: New Year's Day, 2 January, Good Friday, Easter Monday, Ascension Day, Whitsun, 1 August, 25 and 26 December. When one of these days falls on a Saturday or Sunday, the preceding working day shall be considered an official holiday in lieu of Saturday, and the following working day in lieu of Sunday.
- § 2 Further, the afternoon of 24 December and 31 December shall be free.

#### **Article 35 Annual leave**

- § 1 Staff members shall be entitled to 30 working days annual leave (Monday to Friday) for twelve months service. Subject to the provisions concerning special leave, this entitlement shall apply over the whole period in which staff members receive full pay.
- § 2 For a period of service of less than twelve months, staff members shall be entitled to two and a half working days annual leave per month of uninterrupted service over the whole period in which they receive full pay.
- § 3 All leave shall be authorized in advance. All arrangements as to leave shall be subject to the exigencies of the service which may require that leave be taken during a period designated by the Secretary General. However, the personal circumstances and preferences of the individual staff member shall as far as possible be considered.

- § 4 Up to one half of a staff member's annual leave entitlement for a calendar year may be carried forward beyond 1 January of the following year; it must be taken before 31 May of the following year (unused annual leave). After this date, they may not be taken. As an exception, this rule may be waived in the event that official requirements have prevented a staff member from using his annual leave entitlement, and that the Secretary General has accorded this situation prior recognition.
- § 5 Subject to Articles 39 and 40, any absence that is not specifically covered shall be charged to the staff member's accrued annual leave. If he has no accrued annual leave, it shall be considered as unauthorized and pay and allowances shall cease for the period of such absence.
- § 6 A staff member may, in exceptional circumstances, and with the approval of the Secretary General be granted advance annual leave up to a maximum of ten working days.
- § 7 A staff member shall not be recalled from annual leave without the approval of the Secretary General. If a staff member is recalled, he shall be entitled to reimbursement of his own hotel expenses arising during his absence from the holiday resort. If the staff member subsequently resumes his annual leave at the place from which he was recalled, he shall also be reimbursed for the expenses incurred in travelling to and from that place.

### **Article 36 Special leave**

- § 1 If official requirements allow, staff members who have taken all their annual leave and, where applicable, their accrued annual leave, may be granted special leave with full or partial pay or without pay. The Secretary General shall decide the length of the special leave. Such leave shall only be granted in exceptional circumstances, either to enable the staff member to study or carry out research in the interest of the Organisation, in cases of extended illness, or for other important reasons.
- § 2 Staff members may be granted leave for important and personal reasons on full pay and restricted to the necessary duration if official requirements allow.

Important personal reasons shall in particular include the following, for which leave as indicated shall be granted:

- a) Marriage or marriage of own child: 1 working day,
- b) Wife giving birth: 2 working days,
- c) Death of spouse, child or parent: 3 working days,
- d) Relocation to another place for official reasons: 2 working days,
- e) severe illness of a relative living in the member of staff's household: up to 5 days per year,

- f) severe illness of the person caring for a member of staff's spouse, or for a child requiring permanent care as a result of physical, mental or psychiatric disability: up to 8 days per year.

In the cases referred to in the second part of f), special leave shall only be granted if no other person is available to provide care or assistance and the doctor has attested the need for the member of staff to be present to provide care.

In total, special leave in the cases described in the second sentence, letters e) and f) shall not exceed 8 working days per holiday year.

- § 3 Staff members required to perform compulsory military service in the State of which they are nationals may be granted special leave without pay for the duration of such military service.
- § 4 Periods of special leave of one or more whole months with partial pay or without pay shall not be taken into account in calculating the length of service for the purpose of sick leave, annual leave, home leave, maternity leave, periodic progression within a grade, redundancy settlement and repatriation grant. Special leave shall not be considered as a break in continuity of service.

### **Article 37** **Home leave**

- § 1 Non-Swiss staff members recruited internationally shall be granted home leave every two years, under the following conditions:
- a) The staff member shall have completed two full years of service to be entitled to home leave. Staff members who acquire home leave entitlement as a result of promotion shall begin to accrue such service credit from the effective date thereof.
  - b) The Secretary General shall be in a position to expect that the staff member will remain in service with the Organisation for at least six months beyond the date of his return from home leave.
  - c) The staff member shall be required to spend at least ten days in the country where he is taking home leave. The Secretary General may request a staff member on his return from home leave to furnish satisfactory evidence that this requirement has been fully met.
- § 2 The country of home leave shall be the country of the staff member's nationality, subject to the following:
- a) the place of home leave of the staff member within his home country shall be, for the purposes of travel and transportation entitlements in accordance with § 5, the place where the staff member had his last main residence in his home country preceding appointment.

- b) the Secretary General may, in exceptional circumstances, authorize as the home country for the purposes of this rule, a country other than the country of nationality, provided the staff member can provide satisfactory evidence that he maintained his residence in such other country for a prolonged period preceding his appointment, and that he continues to have close family or personal ties in that country.
- § 3 A staff member who delays taking his home leave beyond the calendar year in which it falls due may only take his next such leave during the second succeeding calendar year thereafter. Should, however, the Secretary General decide that exceptional circumstances, arising out of the exigencies of the service make it necessary for a staff member's home leave to be delayed beyond the calendar year in which it falls due, such delayed leave may be taken without altering the time of his next and succeeding home leave entitlements provided that not less than twelve months of qualifying service elapse between the date of the staff member's return from the delayed home leave and the date of his next home leave departure.
- § 4 A staff member may be required to take his home leave in conjunction with travel on official business, due regard being paid to the interests of the staff member and his family.
- § 5 Staff members authorized to take home leave shall be entitled to two additional days leave (travel days) or four days if the home leave country is outside Europe. In addition, and subject to the provisions of Chapter VIII, a staff member shall be entitled to claim travel expenses for himself and for those members of their family who satisfy the necessary conditions for the return journey between Berne and the place acknowledged as being the place of home leave (§ 2(a) and (b)).
- § 6 Travel of family members shall be in conjunction with the staff member taking home leave. However, exceptions may be granted if the exigencies of the service or other special circumstances prevent the staff member and his family members from traveling together.

## **CHAPTER VII SOCIAL SECURITY**

### **Article 38 Health or accident insurance**

Staff members shall insure the following persons against the risks of illness:

- a) themselves,
- b) a dependent spouse, if his/her annual taxable income is less than the basic salary at the first step of grade 10, and
- c) each dependent child in respect of whom dependency allowance is paid.

Upon presentation of the necessary supporting documents, staff members may request the Organisation to pay half of the premiums payable in respect of the staff member himself and his dependants, up to a maximum of 200 Swiss Francs per month for each person insured defined below:

Where non-Swiss staff members are also insured with a health insurance institution in their home country, the Organisation shall pay 50% of the contributions made, up to a maximum of 5% of the staff member's annual salary.

### **Article 39**

#### **Sick leave**

Staff members who are incapacitated from the performance of their duties by illness or accident or whose attendance is prevented by public health requirements shall be granted sick leave in accordance with the following provisions:

- a) With the exception of those appointed in accordance with Article 30 § 3, a staff member shall be granted sick leave up to nine months on full salary and nine months on half salary in any period of eighteen consecutive months, provided that the amount of sick leave permitted in any four consecutive years shall not exceed eighteen months. Dependency allowances shall not be reduced.
- b) A staff member appointed in accordance with Article 30 § 3 who has completed at least twelve months service shall be granted sick leave up to three months on full salary and three months on half salary in any twelve consecutive months. Before completing twelve months service, these staff members shall be granted sick leave up to three weeks on full salary. Dependency allowances shall not be reduced.
- c) Staff members who cannot attend their place of work owing to illness or accident shall notify the Secretary General or a staff member he has designated as soon as possible. Where practicable, they should, before absenting themselves, report to a medical practitioner.
- d) Except with the approval of the Secretary General, no staff member may be granted sick leave for a period of more than three consecutive working days without producing a medical certificate to the effect that he is unable to perform his duties and stating the probable duration of incapacity. Such certificate shall, except in circumstances beyond the control of the staff member, be produced not later than the end of the fourth working day following the initial absence from duty of the staff member.
- e) If, during the same calendar year, a staff member has taken non-certified sick leave totalling six working days, he shall give reason for each further day he is absent during the year in question by providing a medical certificate; if he does not, each day he is absent shall be deducted from his annual leave or charged as special leave without pay.

- f) When sickness of more than three consecutive working days occurs within a period of annual leave, including home leave, sick leave may be approved on production of an appropriate medical certificate or other satisfactory evidence. In such circumstances, a staff member should submit his request for sick leave together with supporting certificate or other evidence as soon as practicable, and in any event immediately on his return to duty.
- g) A staff member may be required at any time to submit a medical certificate as to his condition or to undergo examination by a doctor approved by the Secretary General. Further sick leave may be refused or the unused portion withdrawn if the Secretary General is satisfied that the staff member is able to return to his duties, provided that if the staff member so requests the matter shall be referred to an independent medical practitioner or to a medical board acceptable to both the Secretary General and the staff member.

If it is established that a member of staff is in breach of the rules of d) to g), the Secretary General may reduce the amount of sick leave that has already been granted.

- h) A staff member shall not whilst on sick leave, leave the area where he resides without the prior approval of the Secretary General.
- i) Members of staff shall undertake everything to influence the course of the illness positively and to limit the duration of sick leave to the absolute minimum necessary.

#### **Article 40** **Maternity leave**

§ 1 A staff member shall receive maternity leave on full pay in accordance with the following provisions:

- a) The staff member shall be entitled to absent herself from her duties six weeks before the anticipated date of confinement upon production of a certificate from a duly qualified medical practitioner indicating that her confinement will probably take place on that date. The staff member may, at her request, and upon production of a certificate from a duly qualified medical practitioner indicating that she is fit to continue working, be permitted to commence her leave less than six weeks before the probable date of confinement; however, in the interests of her health and for her own safety she should normally stop working at least two weeks before that date.
- b) Maternity leave shall last sixteen weeks. It may not end less than ten weeks after the actual date of confinement; however, at her request, the staff member may be permitted to return to work earlier, but not less than six weeks after the date of confinement.

- c) No miscalculation on the part of the medical practitioner or midwife as to the date of confinement shall prevent the staff member from receiving full pay to the actual date of confinement and from being entitled to the minimum ten weeks of post-confinement leave as provided in subparagraph (b) above.
- § 2 A staff member who has taken maternity leave may not return to work unless she provides a medical certificate confirming that she is able to work.
- §3 Annual leave shall accrue during the period of maternity leave provided that the staff member returns for at least six months after the completion of maternity leave.

#### **Article 41**

##### **Work-related accident insurance**

- § 1 The Organisation shall, at its own cost, insure all staff members against the risks of work-related accidents on the basis of a collective contract concluded with an appropriate insurance company.
- § 2 If, in the event of a work-related accident, PUBLICA has to pay out in favour of the staff member or his surviving dependants, the insurance company payouts shall revert to this Fund to the extent that the social insurances and insurance company payouts exceed 100% of the salary the insured is presumed to have lost.

#### **Article 42**

##### **Non work-related accident insurance**

- § 1 The Organisation shall, with their agreement, insure all staff members against the risks of non work-related accidents on the basis of a collective contract concluded with an appropriate insurance company. The Organisation shall bear the insurance costs, with a contribution from the staff member of 0.1% of his annual basic salary.
- § 2 Insurance company payouts for loss of salary in favour of the staff member shall revert to the Organisation if the staff member is entitled to receive his salary during sick absence.
- § 3 If, in the event of a non work-related accident, PUBLICA is obliged to pay out in favour of the staff member or his surviving dependants, the Fund shall be entitled to the insurance company payouts up to the actuarial amount of the payout from the Fund, less the amount corresponding to the staff member's contribution to the insurance premium in accordance with § 1.

**Article 43**  
**Insurance against the financial consequences**  
**of old age, invalidity and death**

- § 1 Staff members shall be insured against the financial consequences of old age, invalidity and death (see Annex II).
- § 2 If a staff member has appropriate insurance, in full or in part, in his country of origin, and on condition that the requirements for granting it are fulfilled, the contributions to this insurance may be divided between the staff member and the Organisation in accordance with the system of apportionment between the employer and employee that applies to this insurance in the staff member's country of origin.
- § 3 For staff members who are Swiss nationals or who are recruited at local level, registration with the Old Age and Survivors' Insurance Scheme (AHV) shall be in the form of registration for employees without an employer subject to contributions (ANOBAG).

**CHAPTER VIII**  
**TRAVEL AND REMOVAL EXPENSES**

**Article 44**  
**Officially authorized travel and relocation**

Officially authorized travel expenses (official travel, home leave travel, travel upon appointment, travel upon termination of service, children travelling in the context of the education grant) and approved removals and expatriation expenses shall be reimbursed in accordance with the conditions set down by the Secretary General and notified to all staff members. These provisions shall be available for consultation or given to any staff member who requests them.

**CHAPTER IX**  
**SEPARATION FROM SERVICE**

**Article 45**  
**Resignation**

Staff members may resign. Unless otherwise provided in the contract of employment, a staff member appointed in accordance with Article 30 §§ 1 and 3 who resigns shall give three months' notice in writing to the Secretary General. If the staff member was appointed in accordance with Article 30 § 2, he shall give thirty days' notice. The Secretary General may accept resignations offered with a shorter period of notice.



**Article 46**  
**Expiry of temporary appointments or**  
**termination after the probation period**

Article 30 of these Regulations stipulates the conditions for the expiry of temporary contracts and for the termination of contracts at the end of the probation period.

**Article 47**  
**Retirement**

- § 1 Subject to their entitlements in respect of institutions providing financial cover for retirement, staff members may ask to be retired from the age of 60. The application period shall be three months. Staff members shall not remain in service beyond the age of 65 years. An accumulation of the payouts of an institution providing financial cover for retirement to which the Organisation has contributed and of salary shall be excluded [in proportion to the actuarial value of the Organisation's contribution.]
- § 2 With the agreement of the post holder and on a proposal from the Secretary General, the Administrative Committee may adopt derogations from § 1 (e.g. in the event that it is not possible to find a successor in time) and extend the staff member's term of office after he has reached age 65. If necessary, special conditions may be agreed for the extension period. On a proposal from the Committee, the General Assembly shall decide whether the Secretary General's term of office may be extended after he has reached age 65.
- § 3 Retirement shall not be regarded as a termination within the meaning of Article 48.

**Article 48**  
**Dismissal**

- § 1 A staff member may be dismissed if, owing to an accident or illness affecting his health in a way which appears permanent or of long duration, he is not able to carry out his duties or other functions reasonably compatible with his abilities. Such a decision shall rest with the organ responsible for the appointment, subject to approval by the Committee where this is required for the appointment. The necessary medical certificates shall be issued by a medical practitioner approved by the Secretariat.
- § 2 The Committee may dismiss a staff member on the basis of a proposal by the Secretary General if the necessities of the service require the abolition of a post or reduction of the staff. The situation where the qualifications and profile of the post have fundamentally changes shall be equivalent to the deletion of a post. If the post is relocated away from the Organisation's current location, this shall also be equivalent to the deletion of a post, unless the staff member wishes and is able to assume his post at the new location. The staff member shall be given at least 6 months' notice in writing in advance. The decision shall be properly justified. If it is necessary to dismiss one or more staff members, suitable account shall be taken of the relevant staff member's/staff members' abilities, performance, conduct, length of service and family situation.

- § 2 bis Any staff member who is dismissed as a result of a post being abolished shall be offered an appointment for another suitable post for which he possesses the necessary qualifications, if one becomes vacant during the year after the date on which the termination becomes effective.
- § 3 A staff member may also be dismissed if his services or his conduct prove unsatisfactory. Such a decision shall rest with the organ responsible for the appointment, subject to approval by the Committee where this is required for the appointment. The staff member shall be given at least 3 months' notice of dismissal in writing in advance. The decision shall be properly justified. Before giving notice of dismissal, the Organisation shall give the staff member concerned a period of at least three months, indicating the areas and matters which need to be improved and the methods for assessing whether the improvements have been made.
- § 4 Before terminating any appointment or proposing a dismissal to the Committee, the Secretary General shall obtain the Staff Association's consultative opinion; Article 59 § 7 shall apply, unless the staff member is dismissed because, owing to the state of his health, he is no longer able to perform his duties.
- § 5 The Secretary General shall report all cases of termination to the Committee.

**Article 49**  
**Termination indemnity**

- § 1 Staff members dismissed as a result of a post being abolished or a reduction in the number of staff shall be paid an indemnity calculated in accordance with the following schedule:

| Length of service with the Organisation<br>Years | Number of months salary<br>(= basic salaries) |
|--|---|
| up to 3  | 3   |
| 4  | 4   |
| 5  | 5   |
| 6  | 6   |
| 7  | 7   |
| 8  | 8   |
| 9  | 9   |
| 10   | 9.5   |
| 11   | 10  |
| 12   | 10.5  |
| 13   | 11  |
| 14   | 11.5  |
| 15 or more                                       | 12  |

Whole months of service with the Organisation shall be taken into consideration on a proportional basis.

- § 2 A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity under § 1, reduced by the amount of any disability benefit, for the number of months to which the indemnity rate corresponds, in so far as the Organisation has contributed to the fund or insurance that is paying the disability benefit.
- § 3 A staff member whose appointment is terminated for unsatisfactory service or conduct may, at the discretion of the Secretary General, exceptionally be paid a termination indemnity not exceeding one half of the indemnity provided under § 1. The discretionary decision shall be justified with care, particularly with a view to the impact on the Organisation's budget.
- § 4 "Length of service" shall be deemed to comprise the total period of a staff member's full time continuous service with the Organisation. Continuity of such service shall not be considered as broken if the staff member has taken special leave without pay or on partial pay, but full months of any such periods shall not be credited as service for indemnity purposes.
- § 5 No indemnity payments shall be made to:
- a) a staff member who resigns, except where termination notice has been given and the termination date agreed upon;
  - b) a staff member who is dismissed for disciplinary reasons, unless the organ taking this measure decides otherwise in accordance with § 6;
  - c) a staff member who is retired.
- § 6 If the staff member's personal or family situation so requires, the organ that has terminated his appointment for disciplinary reasons may exceptionally award him a termination indemnity not exceeding one half of the indemnity provided under § 1, at its discretion and subject to the approval of the Committee in those cases where such approval is required for the termination.
- § 7 The amount of the termination indemnity received by staff members in part-time posts in accordance with the second sentence of Article 7, in conjunction with Article 30 § 3, shall be according to the most recently applicable percentage of their normal working hours.

**Article 50**  
**Repatriation grant**

§ 1 Non-Swiss personnel recruited internationally shall, in addition to their entitlement to the reimbursement of travel and removal costs incurred upon termination of service, be entitled to a repatriation grant calculated according to the following scale, provided they return not later than two years after termination of service to their country of origin or to another country the Secretary General may designate at the staff member's request:

| Length of service with the Organisation | Staff member with dependent spouse or child at time of termination of service<br><br>(rate for staff member with family maintenance responsibilities) | Staff member without dependent spouse or child at time of termination of service<br><br>(rate for staff member without family maintenance responsibilities) |
|---|---|---|
| Years                                   | Basic salary for .... weeks   |   |
| 1                                       | 4   | 3   |
| 2                                       | 8   | 5   |
| 3                                       | 10  | 6   |
| 4                                       | 12  | 7   |
| 5                                       | 14  | 8   |
| 6                                       | 16  | 9   |
| 7                                       | 18  | 10  |
| 8                                       | 20  | 11  |
| 9                                       | 22  | 13  |
| 10                                      | 24  | 14  |
| 11                                      | 26  | 15  |
| 12 or more                              | 28  | 16  |

Whole months of service with the Organisation shall be taken into consideration on a proportional basis, insofar as the period of service exceeds one year.

§ 2 For the purpose of this Article:

- a) "Length of service" shall be deemed to comprise the total period of a staff member's full time continuous service with the Organisation. If, as a result of promotion, the staff member has acquired the status of a staff member recruited internationally, the period of continuous service shall be deemed to begin from the time of the change of status. Continuity of such service shall not be considered as broken if the staff member has taken special leave without pay or on partial pay, but full months of any such periods shall not be credited as service for the purposes of the repatriation grant.
- b) "Dependent child" shall mean a child in respect of whom a staff member, at the time of separation, is normally entitled to receive a dependency allowance. The repatriation grant provided for staff members with a dependent spouse or child shall be paid regardless of the place of residence of these persons.

- § 3 Loss of entitlement to payment of return travel expenses shall not affect a staff member's eligibility for payment of the repatriation grant.
- § 4 In the event of the death of an eligible staff member no grant shall be made unless there is a surviving spouse, or one or more dependent children and the Organisation is obliged to reimburse the return travel expenses. If there is one such surviving person, the payment shall be made at the rate for staff members without family maintenance responsibilities; if there are two or more such surviving persons, payment shall be made at the rate for staff members with family maintenance responsibilities.
- § 5 A repatriation grant shall not be paid if
- employment has been terminated as a result of a disciplinary measure in accordance with Article 55 § 2 (f), or
  - in cases where, at the time employment ceases, a staff member has his usual place of residence in his country of origin.
- In specially supported individual cases, the Secretary General may, at the request of the staff member, take a different decision. Depending on the specifics of the case, derogations from the other rules of this Article may also be granted.
- § 6 The amount of the repatriation grant received by staff members in part-time posts in accordance with the second sentence of Article 9, in conjunction with Article 30 § 3, shall be according to the most recently applicable percentage of their normal working hours.

### **Article 51** **Grant on death**

In the event of the death of a staff member, a death grant equal to three months basic salary shall be paid to the dependent spouse or children in respect of whom the staff member is entitled to dependency allowance.

### **Article 52** **Payment in lieu of unused annual leave**

- § 1 A staff member who, upon separation, still has accrued annual leave shall be paid in lieu thereof a sum of money equivalent to his salary for the period of such accrued leave up to a maximum of 30 days.
- § 2 In the event of the death of a staff member, the sum mentioned in § 1 shall be paid to the beneficiary/ies designated by the staff member in accordance with Article 64.

**Article 53**  
**Restitution of advance annual leave**

Upon separation, a staff member who has taken advance annual leave beyond that which he has subsequently accrued, shall make restitution for such advance leave by means of a cash refund or an offset against monies due to him from the Organisation, equivalent to the remuneration received, including allowances and other payments, in respect of the advance leave period. The Secretary General may waive this requirement if he is satisfied there are exceptional or compelling reasons for so doing.

**Article 54**  
**Certification of service**

Any staff member who so requests shall, on leaving the service of the Organisation, be given a statement relating to the nature of his duties and the length of his service. On his written request, the statement shall also refer to the quality of his work and his official conduct.

**CHAPTER X**  
**DISCIPLINARY RULES**

**Article 55**  
**Disciplinary measures**

- § 1 A staff member who has failed to perform his duties, either intentionally or through negligence or carelessness, shall be liable to disciplinary action corresponding to the seriousness of the fault.
- § 2 Disciplinary measures shall consist of:
- a) written warning,
  - b) Delayed or refused advancement within the same grade, in cases that are not covered by Article 12 § 2,
  - c) downgrading within the same grade,
  - d) reduction of salary,
  - e) demotion to a lower grade,
  - f) dismissal with a three month period of notice or, in serious cases, instant dismissal.

Oral reprimand shall not be deemed to be a disciplinary measure.

- § 3 The Committee shall issue written warnings in respect of the Secretary General and the Secretary General shall issue written warnings in respect of other staff members. The Committee shall take the disciplinary measures referred to in § 2(b) to (d) in respect of senior staff members and the Secretary General shall take these measures in respect of other staff members. The measures referred to in § 2 (e) and (f) shall be taken by the organ responsible for the appointment, subject to approval by the Committee where such approval is required for the appointment in accordance with Article 24 § 2.
- § 4 Each disciplinary measure shall be fully justified in writing.
- § 5 If circumstances so require, the staff member may be suspended from duty for the period of the investigation. Suspension shall be decided by the organ responsible for the appointment, subject to the approval of the Committee Chairman where the Committee's approval is required for the appointment. Suspension from duty shall not be deemed to be a disciplinary measure. An objection to suspension shall not be permitted.

#### **Article 56** **Right of defence**

- § 1 Disciplinary action may be taken only after investigation. The staff member shall be notified of the charge against him in writing and shall be heard with regard to all the points of which he has been accused. He shall be given the opportunity to present his defence within a reasonable period fixed according to the circumstances; this period shall not in any case be less than 40 days and more than 60 days.
- § 2 The staff member concerned shall be entitled at any time to receive help from or be represented by a lawyer or by any other qualified person as he may choose.
- § 3 Once the disciplinary measure according to Article 55 has been issued, it may be subject to a conciliation procedure in accordance with Article 57 bis within a period of 60 days from the date on which the staff member concerned was notified of the disciplinary measure. If the request for conciliation does not result in a solution, an appeal may be submitted to the Administrative Tribunal of the Council of Europe in accordance with Article 58.

**CHAPTER XI**  
**ADMINISTRATIVE COMPLAINT, CONCILIATION AND APPEAL**

**Article 57**  
**Administrative complaint**

§ 1 Staff members shall be entitled to make a complaint against any administrative decision that concerns them personally, and which is not a disciplinary measure taken by the Secretary General or the Committee, by invoking a breach of the conditions of employment, particularly the provisions of the Regulations and of its implementing provisions.

This procedure shall apply to former staff members and to the beneficiaries of staff members and former staff members subject to the provisions of Article 63 concerning the deadline for submission of requests.

§ 1 bis Staff members may submit a request to the Secretary General or to the Chairman of the Committee through the Secretary General inviting him to take a decision or measure which he is required to take in respect of him. If the Secretary General or the Committee does not respond to this request within sixty days, this shall be deemed to constitute an implied decision rejecting it.

§ 2 By means of this administrative complaint, the staff member shall request the Secretary General or the Chairman of the Committee in writing that the decision be reviewed. Such complaint shall be sent within 30 days from the time the staff member received notification of the decision in writing or from the date of the implied decision to reject the complaint prescribed in § 1 bis. If the staff member does not receive a reply from the Secretary General or from the Chairman of the Committee within 30 days of the date of his administrative complaint, the staff member may submit the request for conciliation referred to in Article 57 bis within 60 days from the expiry of the period allowed for the Secretary General's or the Chairman of the Committee's response.

**Article 57 bis**  
**Conciliation**

§ 1 If the Secretary General or the Chairman of the Committee reject an administrative complaint in accordance with Article 57, the staff member, if he wishes to contest the decision to reject it, may submit a request to the conciliator in accordance with the procedure described in Annex IV of these Regulations.

§ 2 The conciliator shall also be authorised to accept any request concerning a disciplinary measure within the meaning of Article 55 of these Regulations. He shall also give his opinion on all questions of procedure which are not expressly covered by this Chapter or by the Annex to these Regulations, in order to achieve an amicable settlement of the dispute.



- § 3 The request for conciliation shall be addressed in writing to the conciliator's secretariat. It shall be submitted within a period of 60 days from the date on which the staff member received notification of the decision in writing. The staff member shall be entitled to support his argument orally before the conciliator. Article 56 § 2 shall apply.
- § 4 A request for conciliation shall not stay execution of the decision being contested. However, at the request of the staff member, and without prejudice to the outcome of the dispute, the conciliator may decide that execution of the decision being contested shall be stayed if he considers that execution thereof is likely to result in serious harm which is difficult to make good. The conciliator shall rule on the suspension of enforcement within 15 days of the request for suspension. The decision taken shall be communicated in writing to the staff member and to the Secretary General or Chairman of the Committee within 15 days.
- § 5 A request for conciliation submitted to the conciliator shall not be admissible if it has not been submitted within the periods prescribed in Article 57 § 2 and in § 3 of this Article. In exceptional cases, the conciliator may waive the time limits if the staff member has not been able to observe the prescribed time limits for reasons beyond his control.

#### **Article 58** **Appeal**

- § 1 In accordance with the agreement between OTIF and the Council of Europe of 08/12/2017, the appellant may submit a request for conciliation which has not resulted in a solution in accordance with Article 57 bis to the Administrative Tribunal of the Council of Europe (ATCE). Submission of the appeal shall be subject to the conditions of the Rules of Procedure of the Administrative Tribunal of the Council of Europe.
- § 2 Notwithstanding the provisions of § 1, any staff member may forego conciliation within the meaning of Article 57 bis § 1 and address the President of the ATCE directly.
- § 3 In cases in which the conciliation procedure has been initiated, the submission period runs from the time the appellant receives the conciliator's report or, where applicable, from the time at which the period prescribed for its enforcement in the conciliation agreement expires.
- § 4 In cases in which the conciliation procedure has not be initiated, the submission period runs from the receipt of the decision to reject the administrative complaint.
- § 5 The conciliator being empowered to decide to stay execution of the disputed act, the stay of execution is maintained during the proceedings before the Administrative Tribunal, unless the President of the Administrative Tribunal, duly petitioned to that effect, decides otherwise. It is understood that after lodging a request, a staff member may bring a request for stay of execution, even if he has not done so before the conciliator or the conciliator has rejected his request.

**CHAPTER XII**  
**SUPPLEMENTARY PROVISIONS AND TRANSITIONAL MEASURES**

**Article 59**  
**Staff Association**

- § 1 The interests of the staff shall be represented before the Secretary General by the Staff Association.
- § 2 The Association shall be consulted on matters concerning the well-being and administration of staff, particularly the principles guiding appointments, promotions and dismissals, and on matters concerning remuneration (pay, allowances and reimbursements).
- § 3 The Association shall not be consulted on measures or matters concerning staff members personally, unless the matter concerns a dismissal in accordance with Article 48.
- § 4 The Staff Association shall adopt regulations setting out its aims and tasks and Rules of Procedure setting out the rules for its internal working methods. The regulations and Rules of Procedure may be combined and the Secretary General shall give his opinion on them.
- § 5 In all matters where the Staff Association and the Secretary General cannot agree on the application of §§ 2 to 4 in terms of the basis or substance, the matter shall be submitted to the Administrative Committee for decision if one of the two parties so requests.
- § 6 The Staff Association may propose amendments to the Staff Regulations to the Secretary General. If the Secretary General does not agree to such proposals, the proposal shall be submitted to the Administrative Committee for decision if one of the two parties so requests.
- § 7 If there is no Staff Association, all staff shall be consulted on the matters referred to in § 2.

**Article 60**  
**Gender of terms**

In the Staff Regulations, terms such as "staff member" and "the deceased" in the masculine gender shall apply to men and women equally, unless clearly inappropriate from the context.

**Article 61**  
**Proprietary rights**

All rights, including property rights, royalties and patent rights to work performed by a staff member as part of his official duties, shall be vested in the Organisation.

**Article 62****Compensation for loss of, or damage to personal effects attributable to service**

Staff members shall be entitled, within the limits and under the terms established by the Secretary General, to reasonable compensation in the event of loss or damage to their personal effects determined to be directly attributable to the performance of their official duties on behalf of the Organisation. This provision shall also apply in the event of loss of luggage in the course of official travel.

**Article 63****Deadline for applications**

Unless otherwise prescribed in the Regulations, applications submitted on the basis of the Regulations shall not be considered if submitted after a period of twelve months starting from the date on which the staff member was entitled to submit the application.

**Article 64****Nomination of beneficiaries**

- § 1 At the time of appointment or subsequently, each staff member shall nominate a beneficiary or beneficiaries in writing authorized in the event of the staff member's death, subject to the provisions of the Regulations, to receive all sums of money owed to him by the Organisation. Upon payment to the beneficiary(ies), the Organisation shall be discharged of all obligations in respect of the sums paid.
- § 2 If a nominated beneficiary does not survive and the staff member has not nominated another beneficiary, the amount standing to the credit of a staff member shall be paid to his estate, subject to the provisions of the Regulations.

**Article 65****Amendment and entry into force of the Staff Regulations**

- § 1 The Regulations may be amended, without prejudice to the acquired rights of staff members.
- § 2 The Regulations shall enter into force on 11 December 2017. As from that date, the Staff Regulations of the Secretariat dated 1 July 2014 shall be repealed.
- § 3 For members of staff appointed before 1 June 2005, the following sections of the Regulations of 1 January 1993 in the version applicable as from 1 July 2000 remain in force:
- Article 17 § 1
  - Annex I.

**Article 66**  
**Transitional provisions and measures**

The transitional provisions to be taken in respect of insurance against the financial consequences of old age, invalidity and death are dealt with in Annex II to this Statute.

Belgrade, 11.12.2017

On behalf of the Administrative  
Committee of the Intergovernmental  
Organisation for International Carriage  
by Rail

The Chair



Mirjana Jovanović

**A. Annual basic salary scales in Swiss Francs [as at 1.1.2011]  
Linear progression**

| Classe             | Echelon |         |         |         |         |         |         |         |         |         |         |         |         |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
|                    | 1       | 2       | 3       | 4       | 5       | 6       | 7       | 8       | 9       | 10      | 11      | 12      | 13      |
| Secrétaire général | 270'022 | -       | -       | -       | -       | -       | -       | -       | -       | -       | -       | -       | -       |
| Premier conseiller | 216'493 | -       | -       | -       | -       | -       | -       | -       | -       | -       | -       | -       | -       |
| Conseiller         | 168'206 | 171'782 | 175'357 | 178'933 | 182'508 | 186'085 | 189'660 | 193'236 | 196'811 | -       | -       | -       | -       |
| Conseiller adjoint | 140'447 | 143'792 | 147'137 | 150'483 | 153'827 | 157'172 | 160'517 | 163'862 | 167'206 | 170'552 | 173'897 | 177'242 | 180'586 |
| 1                  | 116'813 | 119'903 | 122'993 | 126'083 | 129'173 | 132'263 | 135'353 | 138'445 | 141'535 | 144'625 | 147'715 | 150'805 | 153'895 |
| 2                  | 99'962  | 102'818 | 105'674 | 108'531 | 111'387 | 114'243 | 117'100 | 119'956 | 122'812 | 125'669 | 128'525 | 131'381 | 134'238 |
| 3                  | 87'530  | 90'148  | 92'766  | 95'384  | 98'003  | 100'622 | 103'240 | 105'858 | 108'476 | 111'094 | 113'714 | 116'332 | 118'950 |
| 4                  | 78'452  | 80'842  | 83'232  | 85'622  | 88'012  | 90'401  | 92'790  | 95'180  | 97'570  | 99'960  | 102'350 | 104'739 | 107'129 |
| 5                  | 71'301  | 73'485  | 75'667  | 77'851  | 80'034  | 82'217  | 84'400  | 86'584  | 88'767  | 90'950  | 93'134  | 95'316  | 97'500  |
| 6                  | 65'725  | 67'719  | 69'712  | 71'706  | 73'700  | 75'694  | 77'687  | 79'681  | 81'675  | 83'668  | 85'662  | 87'656  | 89'650  |
| 7                  | 60'662  | 62'487  | 64'313  | 66'138  | 67'963  | 69'789  | 71'614  | 73'439  | 75'265  | 77'090  | 78'915  | 80'741  | 82'566  |
| 8                  | 56'856  | 58'519  | 60'182  | 61'846  | 63'509  | 65'172  | 66'835  | 68'498  | 70'161  | 71'824  | 73'488  | 75'151  | 76'814  |
| 9                  | 53'304  | 54'762  | 56'219  | 57'677  | 59'135  | 60'593  | 62'051  | 63'509  | 64'966  | 66'424  | 67'882  | 69'339  | 70'798  |
| 10                 | 50'013  | 51'305  | 52'598  | 53'890  | 55'182  | 56'475  | 57'767  | 59'059  | 60'351  | 61'644  | 62'936  | 64'228  | 65'521  |

**B. Annual family allowances in Swiss Francs [as at: 1.1.2011]**

- for spouse [letter (a)]: 3,472.--
- for child [letter (b)]: 3,988.--
- for disabled child [letter (c)]: 7,974.--



**Supplementary provisions concerning application of the PUBLICA  
Order in accordance with Article 43 of the Regulations**

**Article one  
Principle**

- § 1 Staff members of the Secretariat shall be insured with PUBLICA at the earliest by 1 January of the year following that in which they reach 17 years of age if the period of service is longer than three months. Between 1 January of the year following that in which the insured reaches 17 years of age and reaching the age of 22, the member of the Fund shall only be insured against the risks of death and invalidity.
- § 2 Staff members may be relieved of the membership requirement of PUBLICA if, at the time of their appointment, they already have equivalent insurance in Switzerland or in their country of origin and may continue to have it. In this case, the Organisation shall contribute to the premiums of the other old age pension institution up to the amount it would have to have paid for the staff member if he had requested compulsory membership of PUBLICA.
- § 3 Where non-Swiss staff members are also insured with a social security institution in their home country, the Organisation shall pay 50% of the contributions made, up to a maximum of 5% of that amount of the average annual income which is used to calculate the maximum Swiss old age and dependent survivors pension, less the co-ordination amount.

**Article 2  
PUBLICA statutes**

- § 1 The entitlements and obligations of staff members insured with PUBLICA shall be determined by the Statutes of this Fund, unless Article 3 or 4 below provide for a derogation.
- § 2 The Organisation shall assume all the rights and obligations incumbent upon the employer in accordance with the Statutes of PUBLICA.
- § 3 Staff members shall receive the Statutes of PUBLICA along with their letter of appointment. Any supplements shall be brought to their attention.

**Article 3  
Insured earnings**

- § 1 For staff members insured with the Swiss old age and dependent survivors' insurance (AVS), for which the Organisation shall pay half the contributions, insured earnings shall be equivalent to the net salary in accordance with Article 17 of the Regulations, after subtracting the uninsured cost of living allowance of Federal officers and the co-ordination amount in accordance with Article 16 of the Pension Plan Regulations of the Publica Federal Pension Fund.

- § 2 For other staff members, insured earnings shall be equivalent to the net salary in accordance with Article 17 of the Statute, after subtracting the uninsured cost of living allowance of Federal officers.

**Article 4**  
**Contributions**

- § 1 The same cost of living allowances as those applied to Federal staff pensions shall be added, at the Organisation's expense, to the contributions of PUBLICA.
- § 2 No transitional pension in accordance with Article 36 of the Statutes of PUBLICA shall be paid for old age or invalidity to staff members whose insured earnings are determined in accordance with Article 3 § 2.
-



## Appraisal form

**OTIF : Report of the appraisal interview**

Date

**Member of staff**

Name/surname

Date of birth

Grade

Post occupied

**Line manager**

Name/surname

Function

**Post occupied (to be completed by staff member)***Functions**Your assessment of your post (advantages, constraints)*

| Results of previous year     |          |                |
|------------------------------|----------|----------------|
| Objectives                   | Comments | Implementation |
| <i>Reminder of objective</i> |          |                |

**Other issue or work in which the staff member has been involved**
**Nature of the work**
**Results obtained**

|  |  |
|--|--|
|  |  |
|--|--|

**Overall assessment of activity and implementation of previous year's objectives (to be completed by the hierarchical superior)**

|  |
|--|
|  |
|--|

### ASSESSMENT OF SKILLS

| Elements comprising the post             | EXPERT        | MASTERY        | PRACTICE        | BEGINNER        |
|--|---------------|----------------|-----------------|-----------------|
|  |               |                |                 |                 |
| <b>Know-how</b>                          | <b>EXPERT</b> | <b>MASTERY</b> | <b>PRACTICE</b> | <b>BEGINNER</b> |
| Team work                                |               |                |                 |                 |
| Ability to summarise                     |               |                |                 |                 |
| Written expression                       |               |                |                 |                 |
| Oral expression                          |               |                |                 |                 |
| <b>Conduct</b>                           | <b>EXPERT</b> | <b>MASTERY</b> | <b>PRACTICE</b> | <b>BEGINNER</b> |
| Interpersonal skills                     |               |                |                 |                 |
| Ability to adapt                         |               |                |                 |                 |
| Ability to react                         |               |                |                 |                 |
| <b>MANAGEMENT SKILLS</b>                 | <b>EXPERT</b> | <b>MASTERY</b> | <b>PRACTICE</b> | <b>BEGINNER</b> |
| Ability to delegate                      |               |                |                 |                 |
| Ability to motivate and value colleagues |               |                |                 |                 |
| Decision-making ability                  |               |                |                 |                 |
| Ability to set consistent objectives     |               |                |                 |                 |

**OBJECTIVES FOR THE STAFF MEMBER FOR FOLLOWING YEAR*****Anticipated context of the year***

|  |
|--|
|  |
|--|

**Objectives****Maturity date****Conditions for success**

| <b>Objectives</b> | <b>Maturity date</b> | <b>Conditions for success</b> |
|-------------------|----------------------|-------------------------------|
|                   |                      |                               |

**TRAINING REQUIREMENTS (staff member to fill out beforehand)**

**GENERAL APPRAISAL AND VIEWS OF DIRECT SUPERIOR**

**STAFF MEMBER'S COMMENTS**

Place, date: \_\_\_\_\_

Place, date: \_\_\_\_\_

Staff member's signature

Direct superior's signature

**SECRETARY GENERAL'S ASSESSMENT**

Berne, date: \_\_\_\_\_

date: \_\_\_\_\_

date: \_\_\_\_\_

Staff member's signature

Direct superior's signature

Secretary General's signature

The staff member's signature indicates that this document has been received (it does not indicate that the staff member approves the content).



## Annex IV to the Staff Regulations

### Conciliation procedure

#### Article 1

##### Denomination

In accordance with Article 57 of the Staff Regulations, a conciliation procedure shall be set up with a conciliator and his deputy. The following provisions that apply to the conciliator shall apply *mutatis mutandis* to his deputy.

#### Article 2

##### Nomination

1. The President of the Administrative Tribunal of the Council of Europe ("ATCE") shall nominate the conciliator for a period of five years, which may be renewed by the President of the Administrative Tribunal of the Council of Europe.
2. The conciliator shall be a person external to OTIF. He shall not be chosen from among the members of staff or national delegations or from former members of staff or national delegations who ceased their activity less than five years previously.
3. The conciliator shall offer every guarantee of independence and competence required to exercise judicial mediation or conciliation functions in one of the Member States of OTIF. In particular, he shall have proven competence in matters of labour law and/or administrative law, preferably in the international field and, if possible, master two of the working languages of OTIF.
4. In the event of the conciliator's resignation or death, he shall be replaced according to the procedure described in the first paragraph for the duration of the period still to be filled.

#### Article 3

##### Competence

The conciliator shall be competent to receive all requests for conciliation submitted in accordance with Article 57 bis of the Staff Regulations.

#### Article 4

##### Code of conduct

1. The conciliator shall be fully independent in exercising his functions. He shall not receive any instructions and during his term of office, shall not assume functions that are incompatible with the requirements of independence, impartiality and availability inherent in his office.
2. The judicial code of conduct for members of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, resolution A/RES/66/106 of the United Nations General Assembly of 9 December 2011 shall apply *mutatis mutandis* to the conciliator, save as otherwise provided in this Statute.

**Article 5**

## Secretariat

1. After consultation with the Staff Council, the Secretary General and the conciliator shall designate by common agreement the conciliator's secretary and the deputy to the secretary.
2. In carrying out their duties, the secretary and his deputy shall only be subject to the authority of the conciliator.

**Article 6**

## Referral of cases

1. All requests for conciliation shall be addressed to the conciliator's secretariat within sixty days of receiving the decision to reject the administrative complaint or of receiving the disciplinary measure within the meaning of Article 55. In the absence of a response to an administrative complaint, the period for introducing the request runs from the time of the implied decision to reject the complaint in accordance with Article 57 of the Staff Regulations.
2. For requests submitted by former tenured staff members, staff members' beneficiaries or former staff members' beneficiaries, the period for introducing the request for conciliation shall be ninety days from receipt of the decision to reject the administrative complaint. In the absence of a response to an administrative complaint, the period for introducing the request runs from the time of the implied decision to reject the complaint in accordance with Article 57 of the Staff Regulations.
3. The conciliator shall assign the case either to himself, or to his deputy, taking into account the linguistic skills of the parties and any conflicts of interest.

**Article 7**

## Rejection

The president of the ATCE shall, at the request of one of the parties, rule on the objection to the conciliator, which request shall be submitted at the time the request for conciliation is logged or, at the latest, within a period of thirty days from the request being logged. In this case, the conciliator's secretariat shall inform the conciliator and the opposing party and shall transmit this request to the president of the ATCE within fifteen days of its being received. After examining such requests, the president of the ATCE shall take a reasoned decision, which shall be communicated to the parties within thirty days of receipt of the request by the tribunal registry.

**Article 8**

## Conciliation procedure

1. The two parties may, if they wish, be represented by a person of their choice.
2. The request for conciliation shall contain a statement of the facts, requests and arguments invoked by the complainant and shall indicate the third person by whom the complainant wishes to be represented, as the case may be. It shall be addressed to the conciliator's secretariat, which shall transmit it to the conciliator and the opposing party.
3. Unless otherwise specified in these regulations, the conciliator shall decide the procedure to be followed and shall inform the parties thereof in good time. He shall ensure that both parties are able to put forward their position on equal terms in an adversarial procedure. In particular, the conciliator may meet the parties or communicate with them together or separately. He may also hear witnesses whose evidence he considers



of use in the hearings. If he considers it necessary, he may also, with a reasoned decision, order that an enquiry be carried out by one or more external experts, whom he shall nominate.

4. The parties shall agree to cooperate with the conciliator when he requests that documents and other pieces of evidence be produced which he considers of use in examining the request which has been referred to him.

5. The information sent to the conciliator by one party shall be transmitted to the other party, unless a party communicates information on the express condition that it remains confidential. The conciliator shall judge whether confidentiality is justified.

6. Discussions that take place between the conciliator and the parties, witnesses and any other parties involved shall, as far as possible, take place at the headquarters of OTIF and shall be confidential.

7. The conciliator and the two parties shall endeavour to hold meetings and discussions and to come to an agreement within a period of ninety days from receipt of the request for conciliation. This period may be extended if the parties so agree.

8. The conciliator shall propose an agreement to the parties. If the parties accept, the agreement concluded is mandatory for the parties and terminates the dispute. He shall prescribe a time-limit for its implementation. If the agreement is not implemented, the complainant may refer the matter directly to the ATCE.

9. If the conciliator establishes that the parties are unable to come to an agreement, he shall prepare a report setting out the procedure followed, the facts, requests and arguments put forward by the parties, his legal and *ex aequo et bono* assessment of the case, and his duly reasoned recommendation.

10. The conciliator shall issue his report to the parties concerned by no later than one hundred and twenty days following receipt of the complainant's request for conciliation, unless the parties agree otherwise, in which case the conciliator shall indicate the period in which the report shall be issued. The conciliator shall systematically present his report before the Committee.

## Article 9

### Intervention by persons not party to the case

1. Any person authorised to submit a request for conciliation may intervene in an ongoing case by asserting that he has rights which are likely to be affected by the decision the conciliator may propose. The conciliator shall rule on the admissibility of the intervention, decide the procedure to be followed and take the person's rights into account in his proposal to resolve the dispute.

2. If, in view of the request for conciliation, it appears that taking the complainant's requests into account in the solution to the dispute would infringe the rights of a third party, the latter shall be informed of the request for conciliation and shall be invited to take part in the procedure in accordance with the arrangements decided by the conciliator.

**Article 10**

## Applicable law

In order to come to an amicable settlement and propose a solution to the dispute, the conciliator shall apply the relevant statutory and regulatory provisions of OTIF. The rights and fundamental freedoms set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, as well as the general principles of law, particularly those derived from the international administrative tribunals, are also an integral part of the applicable law. The conciliator may also propose a solution *ex aequo et bono*.

**Article 11**

## Decisions

The conciliator's report and decisions shall be reasoned and made available in writing. An original shall be deposited in OTIF's archives. In the case of an appeal in accordance with Article 58 of the Staff Regulations, these documents may, if necessary, be submitted to the ATCE.

**Article 12**

## Financing the conciliation procedure

1. The costs of the conciliation procedure shall be paid by OTIF on a justified and reasonable basis.
2. The conciliator shall receive from OTIF an *ad litem* allowance fixed in advance in the annual provisional budget approved by the Administrative Committee on the basis of a proposal by the Secretary General.
3. The Secretary General shall take any other administrative measures that are necessary for the conciliation procedure to function properly, such as the provision of interpreters and translators, as the case may be.