



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

Agenda item: 6	IOPC/APR15/6/2	
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1992 Fund Assembly	92EAS19	•
1992 Fund Executive Committee	92EC64	
1992 Fund Working Group 7	92WGR7/4	

AMENDMENTS TO STAFF REGULATIONS AND STAFF RULES

Note by the Director

Summary:	<p>An amendment to Staff Regulation 24 increasing the required period of written notice of resignation from thirty days to ninety days for staff in the Professional and Higher categories is proposed.</p> <p>Amendments to Staff Regulations 3, 4, 5, 6 and 32 are proposed to remove references to the 1971 Fund where they are no longer necessary.</p> <p>Amendments to Staff Rules I.4(b) and (e), VIII.3(a) and VIII.4 have also been made to remove references to the 1971 Fund where they are no longer necessary.</p> <p>An increase in the probation period from six months to twelve months has been made and the corresponding amendment has been made to Human Resources Policy N^o4.</p>
Action to be taken:	<p><u>1992 Fund Assembly</u></p> <ul style="list-style-type: none">(a) Consider the Director's proposal to amend Staff Regulation 24 to increase the required written notice of resignation from thirty days to ninety days for staff in the Professional and Higher categories;(b) Consider the Director's proposal to amend Staff Regulations 3, 4, 5, 6 and 32 in order to remove references to the 1971 Fund where they are no longer necessary;(c) Note that amendments to Staff Rules I.4(b) and (e), VIII.3(a) and VIII.4 have been made to remove references to the 1971 Fund where they are no longer necessary; and(d) Note that the Director has increased the probation period from six months to twelve months and that the corresponding change has been made to Human Resources Policy N^o4.

1 **Introduction**

Staff Regulations are adopted by the 1992 Fund Assembly. Changes to Staff Rules are notified to the Assembly by the Director. In this document, the Director's proposes amendments to the Staff Regulations as set out in sections 2 and 3, and also sets out the amendments made to the Staff Rules in section 4 and the Human Resources Policy in section 5.

2 Amendment to Staff Regulation 24

2.1 The current Staff Regulation 24 reads as follows:

‘Unless otherwise specified in the letter of appointment, thirty days’ written notice of resignation shall be given by members of the Secretariat. The Director may, however, accept resignations on shorter notice.’

2.2 In the interests of continuity and taking into account that essential recruitment procedures in practice take considerable time, particularly for specialist positions, the Director considers it desirable to increase the period of written notice of resignation from thirty days to ninety days’ for members of staff in the Professional and Higher categories. This will be applicable for all future appointments and for all current staff members in the Professional and Higher categories on renewal of their contracts. The period of notice for General Service category of staff will remain unchanged at thirty days’ written notice.

2.3 For the reasons set out above, the Director proposes a revised text of Staff Regulation 24 as set out in Annex I.

3 Amendments to Staff Regulations 3, 4, 5, 6 and 32

In connection with the dissolution of the 1971 Fund on 31 December 2014, the Director proposes removing references to the 1971 Fund, in Staff Regulations 3, 4, 5, 6 and 32 where they are no longer necessary, as set out in Annex II.

4 Amendments to Staff Rules I.4(b) and (e), VIII.3(a) and VIII.4

In connection with the dissolution of the 1971 Fund on 31 December 2014, the Director has removed references to the 1971 Fund where they are no longer necessary. Rules I.4(b) and (e), VIII.3(a) and VIII.4 have been amended as set out in Annex III.

5 Probation

5.1 In accordance with Staff Regulation 11, each staff member of the Secretariat shall receive a letter of appointment setting out the provisions of the appointment. The period of probation is set out in the appointment letter and has, in the past, been six months. The purpose of probation is to provide a period during which a member of staff can show by his or her performance that he or she is suitable for the appointment and that there is an appropriate match between the person and the job.

5.2 The Director has increased the probation period to twelve months and the corresponding change has been made to Human Resources Policy N°4 which deals with probation.

5.3 The increase to twelve months is in line with that practiced by the International Maritime Organization (IMO).

6 Action to be taken

1992 Fund Assembly

The 1992 Fund Assembly is invited:

(a) to consider the Director’s proposal to amend Staff Regulation 24 to increase the required written notice period of resignation from thirty days to ninety days for members of staff in the Professional and Higher categories;

(b) to consider the Director’s proposal to amend Staff Regulations 3, 4, 5, 6 and 32 in order to remove references to the 1971 Fund where they are no longer necessary;

- (c) to note that amendments to Staff Rules I.4(b) and (e), VIII.3(a) and VIII.4 have been made to remove references to the 1971 Fund where they are no longer necessary; and
- (d) to note that the Director has increased the probation period from six months to twelve months and that the corresponding change has been made to Human Resources Policy N°4.

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ANNEX I

PROPOSED AMENDMENT TO STAFF REGULATION 24

Unless otherwise specified in the letter of appointment, ninety days' written notice of resignation shall be given by staff members in the Professional and Higher categories and thirty days' written notice by staff members in the General Service category. The Director may, however, accept resignations on shorter notice.

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ANNEX II

AMENDMENTS TO STAFF REGULATIONS

Regulation 3

The Director and other members of the Secretariat are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the 1992 Fund, ~~and the Supplementary Fund and the 1971 Fund~~ (hereinafter referred to as "the Funds"), only in view, except as provided for in Regulation 4. In the performance of their duties they shall neither seek nor accept instructions from any government or from any authority external to the Funds, except as provided for in Regulation 4. All members of the Secretariat are subject to the authority of the Director and are responsible to him or her in the exercise of their functions.

Regulation 4

The Director and other members of the Secretariat shall act also as Director and Secretariat of the Supplementary Fund ~~and the 1971 Fund~~ and perform duties under the Supplementary Fund Protocol ~~and the 1971 Fund Convention~~.

Regulation 5

Every member of the Secretariat, on taking up his or her duties, shall make and sign the following oath or declaration:

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the 1992 Fund, to discharge those functions and regulate my conduct with the interests of the 1992 Fund, ~~and the Supplementary Fund and the 1971 Fund~~ only in view and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the 1992 Fund ~~and the Supplementary Fund and the 1971 Fund~~."

Regulation 6

Any privileges and immunities accorded to the 1992 Fund ~~and the Supplementary Fund or the 1971 Fund~~ are conferred in the interests of the respective Funds. No such privileges and immunities shall excuse members of the Secretariat from the performance of their private obligations or from the observance of laws and regulations otherwise applicable to them. Any incident giving rise to controversy on the applicability of any privilege or immunity shall immediately be reported by the member of the Secretariat concerned to the Director, with whom alone it rests to decide whether such privilege or immunity shall be waived. In the case of the Director, the Assembly shall decide whether the privileges and immunities shall be waived.

Regulation 32

~~Staff Members who on 15 May 1998 were employed by the 1971 Fund and who were transferred to the 1992 Fund Secretariat will receive treatment no less favourable, as regards the terms and conditions of their service, as a result of the change of legal personality of their employer.~~

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AMENDMENTS TO STAFF RULES

RULE I.4

Outside activities and interests

- (b) No staff member may be actively associated with the management of, or hold a financial interest in, any business concern if it were possible for him/her to benefit from such association or financial interest by reason of his official position with the 1992 Fund and the Supplementary Fund ~~or the 1971 Fund~~.
- (e) Staff members shall not, except in the normal course of official duties or with the prior approval of the Director, perform any one of the following acts, if such an act relates to the purpose, activities, or interests of the 1992 Fund; and the Supplementary Fund ~~or the 1971 Fund~~:

RULE VIII.3

Compensation for death, injury or other disability
attributable to service

- (a) Staff members shall be entitled to compensation in the event of death, injury or illness attributable to the performance of critical duties on behalf of the 1992 Fund; and the Supplementary Fund ~~or the 1971 Fund~~, in accordance with conditions to be laid down by the Director.

RULE VIII.4

Compensation for loss or damage to personal effects

Staff members shall be entitled, at the discretion of the Director, to reasonable compensation in the event of loss or damage to their personal effects, determined to be directly attributable to the performance of official duties on behalf of the 1992 Fund; and the Supplementary Fund ~~or the 1971 Fund~~.
