



OPCW

Conference of the States Parties

Twenty-Third Session
19, 20 and 29 November 2018

C-IV/DEC.25/Rev.2
19 November 2018
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DECISION

OPCW STAFF REGULATIONS

The Conference

Reaffirming the principles contained in Article VIII, paragraph 44 of the Convention;

Mindful of the statement of the Director-General contained in document C-I/DG.5, dated 24 May 1997 and the contents of the statement of the Chairman of the Conference of the States Parties on the Top Structure of the Technical Secretariat (C-IV/4, dated 2 July 1999);

Hereby:

Decides to adopt the OPCW Staff Regulations annexed hereto.*

Annex: Staff Regulations of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons

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The OPCW Staff Regulations were amended by the Conference of the States Parties at its Tenth (C-10/DEC.4, dated 8 November 2005), Twelfth (C-12/DEC.8, dated 7 November 2007), Seventeenth (C-17/DEC.4 and C-17/DEC.7, both dated 27 November 2012), Twenty-Second (C-22/DEC.13, dated 30 November 2017), and Twenty-Third Sessions (C-23/DEC.9, dated 19 November 2018). All of these amendments have been incorporated into the text of the OPCW Staff Regulations annexed to this revised decision, which supersedes all previous versions.



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Annex**STAFF REGULATIONS
OF THE TECHNICAL SECRETARIAT
OF THE ORGANISATION FOR THE PROHIBITION
OF CHEMICAL WEAPONS**

SCOPE AND PURPOSE OF THE STAFF REGULATIONS

The staff regulations (hereinafter referred to as the “Staff Regulations”) contain fundamental conditions of service and basic rights, duties and obligations of the Technical Secretariat (hereinafter referred to as the “Secretariat”) of the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to as “OPCW” or the “Organisation”). These Staff Regulations embody the broad principles of human resources policy for the staffing and administration of the Secretariat. For the purposes of these Staff Regulations, the expressions “staff members” or “staff” shall refer to all the staff members of the Secretariat, within the meaning of Article 8 of the Chemical Weapons Convention, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the Conference of the States Parties pursuant to its decision C-IV/DEC.25, dated 2 July 1999. The Director-General, as the chief administrative officer, shall provide and enforce such staff rules consistent with these principles as he or she considers necessary.

**ARTICLE I
DUTIES, OBLIGATIONS AND PRIVILEGES****Regulation 1.1**

Staff members of the Secretariat are international civil servants. As such, their responsibilities are not national but exclusively international. By accepting appointment, they pledge to discharge their functions and to regulate their conduct with the interests of the Organisation only in view.

Regulation 1.2

Staff members are subject to the authority of the Director-General and to assignment by him or her to any of the activities or offices of the Organisation. They are responsible to the Director-General in the exercise of their functions. The whole time of staff members shall be at the disposal of the Director-General. The Director-General shall establish a normal working week.

Regulation 1.3

All Secretariat documents shall be issued on the responsibility of the Director-General.

Regulation 1.4

- (a) In the performance of their duties, staff members of the Secretariat shall neither seek nor accept instructions from any Government or from any other authority external to the Organisation.
- (b) Any staff member who in the performance of his or her duties is confronted with any attempt by a Government or by a third party external to the Organisation to induce him or her to violate his or her obligations of loyalty shall promptly inform the Director-General thereof.

Regulation 1.5

- (a) Staff members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organisation. They shall avoid any action, and in particular any kind of public pronouncement, which may adversely reflect on their status or on the integrity, independence and impartiality which are required by that status. While staff members are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.
- (b) No staff member shall be actively associated with the management of or hold a financial interest in any business concern if his or her official position with the Secretariat would make it possible for him or her to promote the interest of that concern or to derive additional benefits from his or her participation in that concern. Any staff member who deals in his or her official capacity with any matter involving a business concern in which he or she holds a financial interest shall at once disclose the nature and extent of that interest to the Director-General.

Regulation 1.6

- (a) Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate even after termination of their functions to any person, organisation or other entity any information known to them by reason of their official position which has not been made public, except by authorisation of the Director-General in the performance of their duties. They shall not at any time use such information to private advantage and they shall not at any time publish anything based thereon except with the written approval of the Director-General.
- (b) Staff members of the Secretariat shall not disclose even after termination of their functions to any unauthorised person, organisation or other entity any confidential information coming to their knowledge in the performance of their official duties. They shall also not communicate to any State, organisation or person outside the

Secretariat any information, to which they have access in connection with their activities, in relation to any State Party.

Regulation 1.7

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government or any other source external to the Organisation, without first obtaining the approval of the Director-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of these Staff Regulations and with the individual's status as an international civil servant.

Regulation 1.8

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with, or might reflect upon, the independence and impartiality required by their status as international civil servants.

Regulation 1.9

Any privileges and immunities enjoyed by the Organisation and by its staff members are conferred in the interests of the Organisation, and such privileges and immunities furnish no excuse to the staff who enjoy them for non-performance of their private obligations or failure to observe laws and regulations. In any case where a question of these privileges and immunities arises, the staff member concerned shall immediately report to the Director-General who shall decide, in consultation with the Executive Council where appropriate, whether they shall be waived.¹

Regulation 1.10

Staff members shall subscribe to 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 Organisation for the Prohibition of Chemical Weapons, to discharge these functions and regulate my conduct with the interests of the Organisation only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or authority external to the Organisation.”

Regulation 1.11

The oath or declaration shall be made orally by the Director-General at a session of the Conference of the States Parties. All staff members of the Organisation shall make the oath or declaration before the Director-General or his or her authorised representative or in writing.

¹

It is understood that privileges and immunities provided by the Host Country in the Headquarters Agreement do not form part of the terms and conditions of employment.

ARTICLE II CLASSIFICATION OF POSTS

Regulation 2

In conformity with principles laid down by the Conference of the States Parties, with due regard to the Programme of Work and Budget and the OPCW Financial Regulations and Rules, and taking into consideration the master standards of job classification as developed by the International Civil Service Commission (hereinafter the "ICSC"), the Director-General shall make appropriate provision for the downward classification of posts according to the nature of the duties and responsibilities required. Notwithstanding the foregoing, proposals concerning the classification of the top structure positions referred to in Staff Regulation 4.4(d) and specified in Annex V, and proposals for all upward classifications, shall be submitted to the Executive Council for its consideration and approval.

ARTICLE III SALARIES AND RELATED ALLOWANCES

Regulation 3.1

Salaries of staff shall be fixed by the Director-General, and shall be adjusted in accordance with the levels authorised by the United Nations General Assembly for staff in the Professional and higher category and by the ICSC for staff in the General Service category, with due regard to the Programme of Work and Budget approved by the Conference of the States Parties and having due regard to the financial situation of the Organisation. The salaries of staff shall be determined in accordance with Annex I to the present Staff Regulations.

Regulation 3.2

- (a) The Director-General shall establish terms and conditions under which an education grant shall be available to an internationally recruited staff member serving outside his or her recognised home country whose child is in full-time attendance at a school, university, or similar educational institution of a type that will, in the opinion of the Director-General, facilitate the child's re-assimilation in the staff member's recognised home country. The grant shall be payable in respect of a child up to the end of their fourth year of post-secondary studies, but in any case not exceeding the age of 25. The amount of the grant per scholastic year for each child will be determined by the Director-General in an Administrative Directive and shall be in accordance with the amount approved by the United Nations General Assembly for the United Nations common system.
- (b) The Director-General shall also establish terms and conditions under which an education grant, not in excess of levels authorised for the United Nations, shall be available to a staff member serving in a country whose language is different from his or her own and who is obliged to pay tuition for the teaching of the mother tongue to a dependent child attending a local school in which the instruction is given in a language other than his or her own.

- (c) The Director-General shall also establish terms and conditions under which a special education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a regular educational institution and therefore requires special teaching or training, or while attending a regular educational institution, requires special teaching or training to assist him or her in overcoming the disability. The amount of this grant per year for each child with a disability shall be determined by the Director-General in an Administrative Directive and shall be in accordance with the amount approved by the United Nations General Assembly for the United Nations common system.
- (d) Travel costs of each child covered by the special education grant may be paid for an outward and return journey twice in each scholastic year between the educational institution and The Hague.

Regulation 3.3

- (a) In the event a staff member is subject to national income taxation with respect to the net salaries and emoluments paid by the Organisation to staff members, the Director-General is authorised to refund to him or her the amount of those taxes paid. The Director-General will make arrangements with the States Parties concerned for the reimbursement to the Organisation.
- (b) If taxes are levied by States Parties on the salaries and emoluments paid by the Organisation to staff members who are citizens of those States Parties, the Organisation shall, however, only refund the amounts of taxes to the extent that such amounts are reimbursed to the Organisation by the States Parties concerned.

Regulation 3.4

- (a) Staff members in the Professional and higher category shall be entitled to receive a dependent spouse allowance in the amount of six percent of net base salary plus post adjustment, under conditions established by the Director-General.
- (b) Staff members in the Professional and higher category without a spouse shall be entitled to receive a single parent allowance in respect of the first dependent child in the amount of six percent of net base salary plus post adjustment, under conditions established by the Director-General.
- (c) Staff members in the Professional and higher category shall be entitled to receive further dependency allowances as follows:
 - (i) For each dependent child an annual amount equal to the amount approved by the United Nations General Assembly for the United Nations common system, except that the allowance shall not be paid in respect of the first dependent child if a staff member receives a single parent allowance under paragraph (b) above;

- (ii) For each disabled child an annual amount equal to the amount approved by the United Nations General Assembly for the United Nations common system. However, if the staff member is entitled to the single parent allowance under paragraph (b) above in respect of a disabled child, the further dependency allowance shall be the same as the allowance for a dependent child in subparagraph (c)(i) above;
 - (iii) Where there is no dependent spouse, a single annual amount equal to the amount approved by the United Nations General Assembly for the United Nations common system for either a dependent parent, a dependent brother or a dependent sister.
- (d) If both spouses are staff members, one may claim for dependent children under subparagraphs (c)(i) and (ii) above, in which case the other may claim only under subparagraph (c)(iii) above, if otherwise entitled.
 - (e) With a view to avoiding duplication of benefits and in order to achieve equality between staff members who receive dependency benefits under applicable laws in the form of governmental grants and staff members who do not receive such dependency benefits, the Director-General shall prescribe conditions under which the dependency allowance for a child specified in paragraph (b) and subparagraph (c)(i) above shall be payable only to the extent that the dependency benefits enjoyed by the staff member or his or her spouse under applicable laws amount to less than such a dependency allowance.
 - (f) Staff members in the General Service category shall be entitled to receive dependency allowance at rates and under conditions determined by the Director-General, due regard being given to the circumstances in The Hague.
 - (g) Claims for dependency allowances shall be submitted through the relevant electronic system and supported by evidence satisfactory to the Director-General. A separate claim for dependency allowance shall be made each year.

ARTICLE IV APPOINTMENT

Regulation 4.1

- (a) The power of appointment of staff rests with the Director-General. Upon appointment each staff member shall receive a letter of appointment in accordance with the provisions of Annex II to the present Staff Regulations and signed by the Director-General or by an official in the name of the Director-General.
- (b) Only citizens of States Parties shall be appointed or employed by the Organisation as staff members or engaged in any form of special services agreement.

Regulation 4.2

The paramount consideration in the appointment, transfer and promotion of staff shall be the necessity of securing the highest standards of efficiency, professional competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible, recognising also the need to take into account considerations of gender balance. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Secretariat.

Regulation 4.3

Selection of staff shall be made without distinction as to race, gender or religion. So far as practicable, selection shall be made on a competitive basis. Selection and appointment of candidates shall also be done in a manner that ensures transparency of the process and consistency with the principles contained in Staff Regulation 4.2, as well as with decisions taken by the Conference of the States Parties or the Executive Council.

Regulation 4.4

- (a) The OPCW is a non-career organisation. This means that no permanent contracts shall be granted. Staff members shall be granted one of the following types of temporary appointments: short-term or fixed-term. The initial contract period shall not normally exceed three years. Contract extensions are possible; however, contracts, including extensions, carry no expectation of renewal or re-employment. Contract extension will become progressively more difficult, and shall be assessed upon, inter alia, the staff member's performance measured in accordance with a rigorous performance appraisal system. Any contract extension will be based on a continuing need on the part of the Organisation for the specific skill and knowledge of the staff member.
- (b) The total length of service of Secretariat staff shall be seven years unless otherwise specified below:
 - (i) The Director-General may exclude locally recruited General Service staff from the maximum length of service requirement on the basis of the needs of the Organisation, and may grant these staff members additional fixed-term contracts.
 - (ii) The Director-General may also exclude linguist staff from these requirements on the basis of the needs of the Organisation and, in consultation with States Parties concerning options for improving linguistic services, and may grant these staff members additional fixed-term contracts. Each such extension shall be subject to the same procedure.
 - (iii) The Conference of the States Parties may take decisions to exceptionally grant the Director-General the authority to extend the maximum length of service requirement for other categories of staff members under conditions specified in any such decision.

- (c) Staff members shall be required to serve a probationary period of six months. In individual cases, especially for short-term appointments, the Director-General may, in the best interest of the Organisation, adjust the terms and conditions of the probationary period.
- (d) For the top structure positions spelled out in Annex V, the initial contract period will be three years, with up to four one-year extensions.

Regulation 4.5

The Director-General shall establish appropriate medical standards which staff shall be required to meet before appointment.

ARTICLE V ANNUAL LEAVE AND SPECIAL LEAVE

Regulation 5.1

Staff shall be allowed appropriate annual leave, as provided in the Staff Rules.

Regulation 5.2

Eligible staff shall be granted home leave once in every two years subject to the Staff Rules.

Regulation 5.3

Special leave may be authorised by the Director-General in exceptional cases, and normally without pay, in accordance with the Staff Rules.

ARTICLE VI SOCIAL SECURITY

Regulation 6.1

Provision shall be made for the participation of staff members in a Provident Fund funded by staff members and the Organisation. The Director-General shall establish the rules needed to govern this fund. The Director-General shall submit the rules governing the Provident Fund to the Executive Council for approval.

Regulation 6.2

The Director-General shall establish a cost-effective and administratively efficient scheme of social security for the staff, which includes adequate provisions for health protection, sick leave, maternity and paternity leave and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Organisation.

ARTICLE VII TRAVEL AND RELOCATION EXPENSES

Regulation 7.1

- (a) Subject to the conditions and definitions prescribed in the Staff Rules promulgated by the Director-General, the Director-General shall in appropriate cases pay the travel expenses of staff members, their spouses and dependent children bearing in mind the need for maximum economy.
- (b) For official travel by air by inspectors for the purpose of conducting inspections the standard of accommodation may, at the discretion of the Director-General, exceed economy class, but remain below first class, for official travel of more than ten hours duration without stopover. Except for special cases, such as challenge inspections and investigations of alleged use where a stopover would be inconsistent with the short time lines involved, the less expensive of a stopover or business class travel by air shall be used.

Regulation 7.2

Subject to the conditions and definitions prescribed in the Staff Rules promulgated by the Director-General, staff members shall be entitled to a relocation shipment of those household goods and personal effects that were in the staff member's possession at the time of appointment or separation, provided that the goods and personal effects are being transported for the staff member's own use.

ARTICLE VIII STAFF RELATIONS

Regulation 8

- (a) The Director-General shall establish and maintain continuous contacts and communication with staff in order to ensure their effective participation in identifying, examining and resolving issues relating to conditions of work.
- (b) A staff representative body shall be established and shall be entitled to initiate proposals to the Director-General for the purpose set forth in paragraph (a) above. It shall be organised in such a way as to afford equitable representation to all staff.
- (c) The Director-General shall establish joint staff/management machinery to advise him or her regarding human resources policies and general questions of staff welfare and to make to him or her such proposals as it may desire for amendment of the Staff Regulations and Rules.

ARTICLE IX SEPARATION FROM SERVICE

Regulation 9.1

- (a) The Director-General may terminate the appointment of a staff member prior to the expiration date of his or her contract if the necessities for the service require abolition of the post or reduction of the staff; if the services of the individual concerned prove unsatisfactory; if the conduct of a staff member indicates that he/she does not meet the highest standards of integrity required by the Organisation; if the staff member is, for reasons of health, incapacitated for further service, or if facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of appointment, should, under the standards established under these Staff Regulations, have precluded his or her appointment.
- (b) No termination under subparagraph (a) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Director-General.
- (c) The Director-General shall terminate the appointment of a staff member in case the State Party of which the staff member is a citizen ceases to be a member of the Organisation.

Regulation 9.2

Staff members may resign from the Secretariat upon giving the Director-General the notice required under the terms of their appointments.

Regulation 9.3

If the Director-General terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under these Staff Regulations. Payments of termination indemnity shall be made by the Director-General in accordance with the rates and conditions established by the United Nations General Assembly for the United Nations common system and specified in Annex III to the present Staff Regulations.

Regulation 9.4

The Staff Rules shall establish a scheme for the payment of repatriation grants to defray expenses associated with repatriation upon separation from service. In principle, the repatriation grant shall be payable to staff members who have completed at least three years of qualifying service, whom the Organisation is obliged to repatriate and who at the time of separation are residing, by virtue of their service with the OPCW, outside their country of nationality. The repatriation grant shall not, however, be paid to staff members who are summarily dismissed. Staff members shall be entitled to a repatriation grant only upon relocation outside the Netherlands. The amount of the grant shall be determined in accordance with the relevant Staff Rules. Detailed conditions relating to eligibility and requisite evidence of relocation shall be determined by the Director-General.

**ARTICLE X
DISCIPLINARY MEASURES AND PROCEDURES**

Regulation 10.1

The Director-General shall establish an administrative body which will advise him or her in disciplinary cases.

Regulation 10.2

The Director-General may impose disciplinary measures on staff whose conduct is unsatisfactory.

Regulation 10.3

The Director-General may summarily dismiss staff for serious misconduct. In such cases no termination indemnity shall be payable.

**ARTICLE XI
APPEALS**

Regulation 11.1

Staff members have the right of appeal against any administrative decision alleging non-observance of the terms of appointment, including relevant Staff Regulations and Rules, and against disciplinary action.

Regulation 11.2

The Director-General shall establish an administrative body to advise him or her in case of any appeal by a staff member.

Regulation 11.3

Arrangements shall be made for the hearing by the Administrative Tribunal of the International Labour Organisation of appeals by staff members against the administrative decisions referred to in Staff Regulation 11.1. These arrangements shall fully respect the Annex on the Protection of Confidential Information of the Convention and the OPCW Policy on Confidentiality.

ARTICLE XII GENERAL PROVISIONS

Regulation 12.1

The present Staff Regulations may be supplemented or amended by the Conference of the States Parties, without prejudice to the existing contracts of staff members.

Regulation 12.2

The Director-General may make Interim Staff Rules to implement the present Staff Regulations. The Interim Staff Rules shall be provisionally applied until the requirements of Staff Regulations 12.3 and 12.4 below have been met.

Regulation 12.3

The Interim Staff Rules shall be reported by the Director-General to the Executive Council. The Interim Staff Rules shall be approved by the Executive Council.

Regulation 12.4

The Interim Staff Rules reported by the Director-General shall enter into force as Staff Rules on the first day of the month following the month in which they are approved by the Executive Council, unless otherwise specified.

Regulation 12.5

Interim Staff Rules promulgated by the Director-General under Staff Regulation 12.2 shall not give rise to acquired rights while they are interim within the meaning of Staff Regulation 12.2.

ARTICLE XIII TRANSITIONAL MEASURES

Annex I

SALARY SCALES AND RELATED PROVISIONS

1. Except as provided in paragraph 5 of the present annex, the salary scales for staff shall be fixed in accordance with the provisions of Staff Regulation 3.1.
2. Subject to satisfactory service, salary increments within the Professional levels shall be awarded annually, except that any increments above step VII shall be preceded by two years at the previous step.
3. Salary increments at the D-1 level shall be awarded annually, except that any increments above step IV shall be preceded by two years at the previous step. Salary increments at the D-2 level shall be awarded biennially.
4. Subject to satisfactory service, salary increments within the General Service levels shall be awarded annually, except that any increments to step XI shall be preceded by 20 years of service in the Organisation or in the United Nations common system, including five years at the previous step.
5. The Director-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term services, to consultants, and to technical assistance experts.
6. No salary shall be paid to staff in respect of periods of unauthorised absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.
7. The net base salaries of those staff members in the Professional and higher category referred to in paragraph 1 of the present annex shall be adjusted by application of a post adjustment the amount of which shall be determined in accordance with the terms and conditions promulgated by the ICSC.

Annex II

LETTERS OF APPOINTMENT

- (a) The letter of appointment shall state:
 - (i) that the appointment is subject to the provisions of the Staff Regulations and Rules and to changes that may be made thereto from time to time;
 - (ii) the nature of the appointment;
 - (iii) the date at which the staff member is required to enter upon duty;
 - (iv) the period of appointment, the notice required to terminate it and period of probation, if any;
 - (v) the category, level, commencing rate of salary and, if increments are allowable, the scale of increments, and the maximum attainable;
 - (vi) any special conditions that may be applicable.
- (b) A copy of the Staff Regulations and Rules shall be transmitted to a staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been made acquainted with and accepts the conditions laid down in the Staff Regulations and Rules.

Annex III

TERMINATION INDEMNITY

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the schedule of payments as outlined in Annex III of the United Nations Staff Regulations. The Secretariat shall publish the schedule of payments applied at the United Nations, and any amendments, in information circulars.

Annex IV

REPATRIATION GRANT

In principle, the repatriation grant shall be payable to staff members who have completed at least three years of qualifying service, whom the Organisation is obliged to repatriate and who at the time of separation are residing, by virtue of their service with the OPCW, outside their country of nationality. The repatriation grant shall not, however, be paid to staff members who are summarily dismissed. Staff members shall be entitled to a repatriation grant only upon relocation outside the Netherlands. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Director-General. The amount of the grant shall be determined by the Director-General, proportional to the length of service with the Organisation and based on the relevant United Nations scale as contained in Annex IV of the United Nations Staff Regulations. The Secretariat shall publish that scale, and any amendments thereto, as adjusted, in administrative issuances.

Annex V

OPCW TOP STRUCTURE

Deputy Director-General
Director of the Office of Strategy and Policy
Director of the Office of Internal Oversight
Director of the Office of the Legal Adviser
Director of the Secretariat for the Policy-Making Organs
Director of the Verification Division
Director of the Inspectorate Division
Director of the Administration Division
Director of the External Relations Division
Director of the International Cooperation and Assistance Division

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