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**NOTE BY THE DIRECTOR-GENERAL**

**DRAFT OPCW STAFF REGULATIONS**

In accordance with the request of the Executive Council at its Tenth Session (subparagraph 13.3 of EC-X/2, dated 19 June 1998), the Director-General hereby circulates the Draft OPCW Staff Regulations to all Member States.

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

## **DRAFT**

# **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 (hereafter referred to as Staff Regulations or Regulations) embody the fundamental conditions of service and the basic rights, duties and obligations of the Technical Secretariat (hereafter referred to as Secretariat) of the Organisation for the Prohibition of Chemical Weapons (hereafter referred to as Organisation). These Regulations represent the broad principles of personnel policy for the staffing and administration of the Secretariat. The Director-General, as the head and chief administrative officer of the Secretariat, shall provide and enforce such Staff Rules consistent with these principles as he 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, staff members pledge themselves 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 to any of the activities or offices of the Organisation. They are responsible to him in the exercise of their functions. The whole working 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:**

No Secretariat document shall be issued except 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/her duties is confronted with any attempt by a Government or by a third party external to the Organisation to induce him/her to violate his/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 they 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/her official position with the Secretariat would make it possible for him/her to promote the interest of that concern or to derive additional benefits from his/her participation in that concern. Any staff member who deals in his/her official capacity with any matter involving a business concern in which he/she holds a financial interest shall at once disclose the nature and measure 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 to any person 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 persons 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 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 the 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 arise, the staff shall immediately report to the Director-General who shall decide, in consultation with the Executive Council where appropriate, whether they shall be waived.<sup>1</sup>

**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 authorised representative or finally, in writing.

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<sup>1</sup> 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 2.1:**

In accordance with the master standards of job classification as developed by the International Civil Service Commission, and with due regard for the need for economy and efficiency, the Director-General shall make appropriate provision for the classification of posts according to the nature of the duties and responsibilities required.

## **ARTICLE III SALARIES AND RELATED ALLOWANCES**

### **Regulation 3.1:**

Salaries of staff shall be fixed by the Director-General, in accordance with the levels authorised by the United Nations General Assembly for the United Nations, and shall be based on the criteria contained in Annex I to the present 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 dependent 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 reassimilation in the staff member's recognised home country. The grant shall be payable in respect of each child up to and including the study year in which the child reaches the age of twenty-five. The amount of the grant per scholastic year for each child shall be 75 per cent of the admissible educational expenses actually incurred, subject to a maximum amount as 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 shall be available to a staff member serving in a country whose language is different from his 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 an education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training, or while attending a normal educational institution, requires special teaching or training to assist him/her in overcoming the disability. The amount of this grant per year for each disabled child shall be equal to 100 per cent of the educational expenses actually incurred, up to a maximum amount

approved by the United Nations General Assembly for the United Nations common system. Travel costs of the child may also be paid for an outward and return journey once in each scholastic year between the educational institution and The Hague.

**Regulation 3.3:**

In the event a staff member is subject to national taxation with respect to the net salaries and emoluments paid by the Organisation to staff members, the Director-General is authorised to refund 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, of the amounts thus refunded to staff members with a view to ensuring that such refunding does not result in overrunning the budget of the Organisation.

**Regulation 3.4:**

- (a) Staff members in the Professional and higher categories shall be entitled to receive 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 has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment;
  - (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 has no dependent spouse and is entitled to the dependency rate of staff assessment in respect of a disabled child, that allowance will be limited to an amount equal to the amount so provided for in subparagraph (a) (ii) of Regulation 3.4 of the United Nations Staff Regulations;
  - (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.
- (b) If both husband and wife are staff members, one may claim for dependent children under subparagraphs (a) (i) and (ii) above, in which case the other may claim only under subparagraph (a) (iii) above, if otherwise entitled.
- (c) 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 subparagraph (a) (i) above shall be payable only to the extent that the dependency benefits enjoyed by the staff members of his or her spouse under applicable laws amount to less than such a dependency allowance.

- (d) Staff members whose salary rates are set by the Director-General under paragraph 3 or paragraph 4 of Annex I to the present Regulations 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.
- (e) Claims for dependency allowances shall be submitted in writing 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 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 the staff and in the determination of the conditions of service 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. 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, sex 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 Regulation 4.2 as well as with decisions taken by the Conference of the States Parties or the Executive Council.

### **Regulation 4.4:**

- (a) Staff members shall be granted short-term or fixed-term appointments.

- (b) Staff members shall be required to serve a probationary period of six months. In individual cases, especially for short-term and part-time appointments, the Director-General may, in the best interest of the Organisation, adjust the terms and conditions of the probationary period.

**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. The Director-General shall establish the rules needed to govern this fund.

**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 and maternity 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 REMOVAL EXPENSES**

### **Regulation: 7.1:**

- (a) Subject to conditions and definitions prescribed in the Staff Rules promulgated by Director-General, the Director-General shall in appropriate cases pay the travel expenses of staff, 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 inspection 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 stop over.

### **Regulation 7.2:**

Subject to conditions and definitions prescribed in the Staff Rules promulgated by the Director-General, the staff members shall be entitled to removal costs. Where, however, the Director-General considers that it is in the interest of the Organisation to do so, having regard to the cost of removal and the probable period of appointment or transfer, the Director-General may elect not to offer to pay the cost of removal of household goods and to pay instead for the shipment of personal effects and a non-removal element of the relevant allowance at the rate established for the United Nations common system.

## **ARTICLE VIII STAFF RELATIONS**

### **Regulation 8.1:**

- (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 regarding personnel policies and general questions of staff welfare and to make to him 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/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; or 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/her suitability come to light that, if they had been known at the time of his/her appointment, should, under the standards established under these Regulations, have precluded his/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.

### **Regulation 9.2:**

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

### **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 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 Regulations.

### **Regulation 9.4:**

The Director-General shall establish a scheme for the payment of repatriation grants with the maximum rates and under the conditions established by the United Nations General Assembly for the United Nations as specified in Annex IV of the present Regulations.

## **ARTICLE X DISCIPLINARY MEASURES AND PROCEDURES**

### **Regulation 10.1:**

The Director-General shall establish administrative machinery which will be available to advise him 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.

**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, or against disciplinary action.

**Regulation 11.2:**

The Director-General shall establish administrative machinery to advise him 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 Regulation 11.1. These arrangements shall fully respect the Annex on the Protection of Confidential Information "Confidentiality Annex" 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 acquired rights of staff members.

**Regulation 12.2:**

Such Staff Rules and amendments as the Director-General may make to implement the present Regulations shall be provisional until the requirements of 12.3 and 12.4 below have been met.

**Regulation 12.3:**

The full text of Staff Rules and amendments shall be reported to the Executive Council. Should the Executive Council find that a Staff Rule and/or amendment is inconsistent with the intent and purpose of the Staff Regulations, it may direct that the Rule and/or amendment be withdrawn or modified.

**Regulation 12.4:**

The Staff Rules and amendments reported by the Director-General, taking into account such modifications and/or deletions that may be directed by the Executive Council, shall provisionally enter into full force on the first day of the month following the month in which the report is made to the Executive Council.

**Regulation 12.5:**

Staff Rules promulgated by the Director-General under Regulation 12.2 shall not give rise to acquired rights while they are provisional within the meaning of Regulation 12.1.

## Annex I

### SALARY SCALES AND RELATED PROVISIONS

1. Except as provided in paragraph 3 of the present annex, the salary scales for staff in the Professional and higher categories shall be as shown in the present annex, and periodically adjusted, in accordance with the levels authorised by the United Nations General Assembly.
2. Subject to satisfactory service, salary increments shall be awarded annually, except that any increments to step XII of the Associate Officer level, steps XIV and XV of the Second Officer level, steps XIII, XIV and XV of the First Officer level, steps XI, XII and XIII of the Senior Officer level and above step IV of the Principal Officer level shall be preceded by two years at the previous step.
3. The Director-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term service, to consultants, and to technical assistance experts.
4. The Director-General shall fix the salary scales for staff in the General Service category and the salary or wage rates for manual workers, on the basis of scales as promulgated and periodically adjusted for the United Nations common system as applicable to The Hague. Consideration of cost-effectiveness and efficiency of administration shall serve as a general guidance in the implementation of the provisions of this paragraph.
5. 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.
6. The net base salaries 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 International Civil Service Commission.

## **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 of the Staff 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 the Staff Rules shall be transmitted to a staff member with the letter of appointment. In accepting appointment the staff member shall state that he/she has been made acquainted with, and accepts the conditions laid down in, the Staff Regulations and Staff 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.

## **Annex IV**

### **REPATRIATION GRANT**

In principle, the repatriation grant shall be payable to staff members whom the Organisation is obliged to repatriate. 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 proportional to the length of service with the Organisation and in accordance with the relevant United Nations scale as contained in Annex IV of the United Nations Staff Regulations.

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