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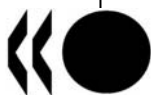
**Council**

**REVIEW OF THE EMPLOYMENT FRAMEWORK - PHASE I  
REGULATIONS, RULES AND INSTRUCTIONS**

*This document has been revised in light of the discussions of the Executive Committee held on 10th and 24th November 2010. In addition to the amendments to the proposed Staff Regulations and Rules included in document C(2010)154 and shown in bold in Annex I to the present document, paragraphs 4, 22, 27 and 44 as well as the draft conclusions have been modified in order to reflect the suggested changes. Former paragraph 45 has been merged into current paragraph 44.*

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## Background

1. The overall objective of the OECD's HR policies is to ensure that the Organisation has the staff with the capacities, motivation and job satisfaction that permits the OECD to deliver outputs to a standard of excellence that meets Members' expectations. Two of the four pillars of the integrated programme of reform of the Organisation's human resources, as described in document C(2007)7, are employment policy and recruitment, which constitute the main foundations of OECD's employment framework.

2. The revised employment framework aims at introducing more flexibility and simplifying existing HR policies where possible, so that they are easier to administer and communicate and more transparent in their application. As described in document C(2007)142/REV1 and document C(2008)203, the aims of these reforms are to: (i) bring the employment policy fully in line with the OECD's results-based management system; (ii) simplify the OECD's employment arrangements, making them more flexible and easier to manage; (iii) acknowledge the structural changes in the funding of the Organisation in recent years; and (iv) adapt the employment policy accordingly.

3. The revised employment framework provisions are the result of consultations carried out throughout the Organisation and with Members countries, taking into account management needs. These proposed changes were also the result of a joint work between the internal Task Force on the Employment Framework and a Steering Committee on HR Reforms of the OECD Secretariat, which regularly met over 2009-2010.

4. The initial draft revised employment framework provisions was presented to the Executive Committee in a meeting held on 4 November 2009 [CE (2009)6]. Subsequently, a number of adjustments were introduced to reflect:

- **the outcome of the discussions and the written comments by the members of the Executive Committee in 2009;**
- **the discussions held with Directors of Part II Programmes;**
- **concerns expressed by the Staff Association after consultations which took place in August 2010;**
- **the latest discussions and comments expressed by the members of the Executive Committee with regard to document C(2010)154.**

5. As recalled in document CE (2009)6, this phase of the implementation of the new employment framework focuses on the simplification of the categories of employment and the revised appointments policy. If approved, it would come into force in January 2011. The Regulations and Rules applicable to temporary staff members, which shall replace the current Regulations and Rules applicable to auxiliaries, salaried consultants and experts of Council (see paragraph 22 below), shall be presented shortly to the Executive Committee.

6. The next phase (2011) will focus on process and criteria for conversion of fixed-term into open-ended appointments, as well as indemnities for loss of employment (LOEs) and status of the employment category of Local staff in non-Member economies, which would come into force as of January 2012.

## Reasons for a Revised Employment Framework

7. The Organisation faces significant new challenges which call for a re-examination of its employment framework:

- The accession of new Member countries, as well as enhanced engagement with major world economies, in order to increase its relevance and remain at the cutting edge. This implies more work with these economies and will increase the multicultural dimension of the Organisation;
- New mandates resulting from the rapid changes in the world economy, as we have seen with the financial crisis, forcing the Organisation to adapt itself constantly, introducing more flexibility and a better mix of competencies;
- Increased complexity and competition for a role in the global governance architecture.

8. In parallel, the labour market of international organisations is becoming more and more competitive and fragmented, with the emergence of newly built informal players (task forces, professional networks, working groups, etc). This increases the competition amongst organisations to recruit the best talents. In this context, the OECD must remain an attractive employer if it wants to obtain staff of the highest level of competence, as stated in Staff Regulation 7 and reaffirmed by the Member countries in the recruitment policy framework [See document C (2008)122/REV1].

9. The current employment framework does not acknowledge the changing structure of the Organisation's staff, especially how the growing number of staff financed from voluntary contributions (VCs) affects the shape of the Organisation's workforce (34 per cent of the total payroll). The Organisation needs to better integrate these staff members into employment arrangements, especially as regards to their recruitment, appointments and career prospects. Fairness in treatment of staff, whether funded on the regular budget or VCs, is essential for staff motivation and for the reputation of the OECD as an employer.

10. Based on the 2009 Staff Profile [See document C(2010)30], 54% of A grade officials have less than 5 years service. The work carried out in preparation of the HR Reforms has shown that the nature of the Organisation, as a career or non-career employer, is unclear; difficulties are encountered to attract and retain the right talents for the right period of time; contradictory signals are given to the staff regarding contractual relationship with the Organisation and too many categories of staff coexist, increasing inconsistency, complexity and difficulty of management. 2009 turnover of the A-grade population is 15%. This means that the professional staff is renewed almost every 7 years. In 2009, out of a population of 2 274 staff, there were 73 resignations, 96 end of fixed-term appointments and 39 departures for retirement. The revised employment framework should enable the Organisation to regularly renew its staff, avoiding costly waste of talent through a more controlled turnover by determining the right mix between staff who will contribute to the work of the Organisation for the short to medium term and those who will contribute in the longer term thus preserving the institutional memory of the Organisation.

11. In this context, the Organisation will build better talent management architecture by defining the key skills required and how to develop, deploy and retain key skills. The job profiles will be an influential factor in building this mix. In addition, a periodic review of the desired mix will be needed (for example every five years), in light of the medium-term priorities of the Organisation.

## **Objectives of the Revised Employment Framework**

12. In light of the above, the objectives are therefore to:

- Ensure that the employment arrangements enable the Organisation to attract, select and retain high quality staff, as well as separate from them when it is necessary;
- Simplify the categories of employment through a more coherent and less complex framework, while at the same time safeguarding the flexibility necessary to meet the Organisation's medium-term needs;
- Clarify the policy on duration of appointments and the possibility to remain at the service of the Organisation on a long-term basis;
- Simplify the arrangements for the employment of temporary staff;
- Establish the appropriate levels of oversight.

13. Our main challenges are to:

- Develop a common approach in a decentralised management environment, characterised by multiple sources of financing;
- Embed common performance standards and practices;
- Improve workforce planning processes in the context of the PWB so that the Organisation can take a better view of its staffing needs;
- Develop criteria and policy for the Organisations population of "long term" and rotating "shorter term career enhancer" officials.

## **Proposed Changes in the Employment Framework**

### ***A. Categories of Employment***

14. The current categories of employment (officials on Part I/ Part II programmes, officials on VCs, salaried consultants, intermittent consultants, unpaid consultants, auxiliaries and staff under special programmes, etc.) are complex to manage and are not sufficiently distinguished from one another in terms of type, nature and duration.

15. As the numbers of staff employed outside the regular budgetary framework have increased, managing employment has become cumbersome and onerous. This creates unnecessary complexity for managers and high administrative costs for the Organisation. There is, moreover, a higher risk of disputes and litigation in a system where the boundaries between different types of staff are not always clearly defined in terms of the Organisation's employment practices. At the same time, the Organisation should be better equipped, in terms of HR programmes and tools, for its outreach.

16. It is therefore proposed, in line with document C(2007)7, to simplify the current categories of employment as follows:

- Officials;
- Temporary staff;
- Associated personnel;
- Local staff in non-Member economies.

17. In line with document C(2007)7, the existing categories of “regular staff” and “project staff” would be merged into one single category of “Officials”. This change is facilitated by the replacement of the current system of staffing based on posts by a system based on job functions. This change should in time offer the dual advantage of enabling the OECD to provide clearer contractual conditions.

18. The category “Temporary staff” would consist of short-term support staff (currently the auxiliaries), as well as short term consultants-experts who provide short term inputs from external sources. It is recalled that under an Agreement with France, these staff are affiliated to the French Social Security and are liable to taxation in France. Proposed new Regulations and Rules concerning this new merged category of temporary staff shall be presented shortly to the Executive Committee, following consultation of the Staff Association.

19. “Associated personnel” would include Experts on loan from their original institution (i.e. they are paid by their institution, government, agency and are not on the OECD payroll). These people are currently considered as unpaid consultants. Associated personnel would also include interns. Associated personnel represent a population of more than 200 people which contributes to the programme of work of the Organisation, although they are not salaried by the Organisation. These people would be subject to the OECD norms of conduct as are OECD staff. Provisions for Associated Personnel will be addressed in 2011.

20. The status of the employment category “Local Staff in non-Member economies” will also be addressed during the next phase of the employment framework review in 2011.

## ***B. Recruitment***

21. This section outlines the framework applicable to OECD officials, where the selection will be in line with the recruitment framework set forth in documents C(2008)122/REV1 and C(2008)122/CORR1, respecting the following guiding principles:

- OECD jobs will be advertised;
- Selection will be made through a competitive process.

22. **As recalled in the above-mentioned recruitment framework, the Secretary-General may fill by direct selection the functions of Chief of Staff, Deputy Chief of Staff, Chief Economist and Executive Director.**

**The Secretary-General may also fill other functions by direct selection, in exceptional circumstances, where there is an outstanding candidate or a very quick decision to be made, and he will report annually to Council, for the purposes of transparency, on the use of those direct selections and the circumstances in which they were used.**

23. Also, any person who has served as permanent representative or deputy permanent representative of a Member of the Organisation shall not be employed in any capacity by the Organisation nor enter into any contractual relationship with the Organisation, for a period of twelve months from the date of the cessation of his functions.

24. For the selection of officials, the Secretary-General would provide a standard selection procedure that would comprise:

- Internal and external vacancy open for 3 weeks minimum;
- Short-listing of candidates;
- Interview and assessment by Selection Panel;
- Reference checks;
- Recommendation by Selection Panel.

25. For positions up to the A4 level, the selection decision would be taken by the hiring Director after consultation with the Head of HRM and in agreement with the Executive Director. For A5s and above, the decision would be taken by the Secretary-General, after consultation with the hiring Director and the Head of Human Resource Management. All recruitments would be made after consultation of the relevant advisory body on the regularity of the procedure.

26. In cases where the candidate initially selected does not accept the Organisation's offer of appointment, or does not meet the medical fitness requirements for the exercise of his functions, or vacates the functions for any reason within two years of the date on which the official took up his functions, a candidate listed as suitable for selection by a panel may be selected in order to fulfil identical or comparable functions, without launching a new recruitment procedure.

27. In specific circumstances, **and at the justified request of the hiring Director**, the Head of Human Resource Management may authorise the use of a simplified selection procedure when the following criteria are met:

- a) The functions require specific qualifications or experience that are less likely to be available outside the Organisation;
- b) An urgent staff need arises from a change in the Programme of Work and Budget, which results in a short delivery time for a given output;
- c) An unexpected staff movement could jeopardise the timely delivery of an output result;
- d) A project to be completed within twenty four months;
- e) Pursuant to a framework agreement with a national administration or an intergovernmental organisation, a person from such administration or organisation is to work for the OECD as an official for a minimum of twelve months and a maximum of thirty-six months. Under this scheme, these staff are OECD officials, paid by the OECD.

28. In cases falling under a) above, an internal selection procedure would be followed as described below:

- Internal vacancy open for at least two weeks before the initiation of the selection procedure;
- Short-listing of candidates;
- Interview and assessment by Selection Panel;
- Reference checks;
- Recommendation by Selection Panel.

29. This process would only apply to officials who have been selected pursuant to a standard selection procedure or who have undergone such procedure and have been considered suitable for selection by a Selection Panel.

30. In cases falling under b), c) and d) above, the selection procedure will be followed as described below:

- Job description submitted by the hiring Director and approved by HRM;
- No obligation to publish the vacancy notice;
- No obligation to convene a Selection Panel. In this case, the assessment of the candidate's merit is carried out by the Hiring Director and the Head of Human Resource Management.

31. It should be noted that the appointment or reassignment would be for a total period not exceeding twenty-four months, including possible renewals.

32. The same procedure would apply in cases falling under e) above. However, in those cases, HRM would request that the names and curriculum vitae of at least three qualified candidates be submitted by the relevant national administration or international organisation. The OECD retains the rights to assess the suitable candidate and makes the decision on appointment based on the result of assessment.

33. A reporting mechanism will be set out to inform Council on the use of the simplified recruitment procedures, in the context of the publication of the annual Staff Profile.

34. It is also envisaged to simplify the structure of the advisory boards in an effort to streamline procedures and in view of the upcoming move to job families. There would be two advisory boards: the Management Review Board for procedures in relation to decisions concerning officials at grades A5-A6-A7 and a new "Staff Review Board" merging the current Senior Staff Board, B-grade Board and the C-grade Board for procedures in relation to decisions concerning officials at grade A4 and below.

### **C. Contractual Policy**

35. Officials at grade A5 or below would be hired on a fixed term not exceeding three years, which may be renewed once or more, provided that the total duration of service does not exceed five years. In very limited circumstances and when the Organisation's interests so warrant, the appointment of any such official may be made initially for a fixed term not exceeding five years. Appointments of officials at grade A5 or below would be subject to a probationary period of up to six months from the date of appointment, which may be extended once for a further period not exceeding six months.

36. Such fixed-term appointment may be renewed after a period of five years of continuous employment in order to complete the conversion procedure, for a further period not exceeding one year. Further to comments on the draft provisions presented to the Executive Committee on 4 November 2009 [CE(2009)6], a new adjustment was introduced providing that, in very limited circumstances and when the Organisation's interests so warrant, such appointment may also be renewed, after a period of five years of continuous employment, for a further period not exceeding three years. After 8 years of service, no further renewal would be allowed.

37. Appointments of officials at grade A6 or A7 would be made initially for a fixed term not exceeding three years and may be renewed once or several times, each time for a fixed term not exceeding three years. The first appointment of any such official would be subject to confirmation by the Secretary-General within one year from the date of appointment.

38. Renewal of fixed-term appointments of officials at grade A4 or below would be decided by the Head of Human Resource Management on the recommendation of the Director concerned. Renewal of appointments of officials at grade A5, A6 or A7 would be decided by the Secretary-General.

39. Conversion of fixed-term appointments to open-ended appointments would be decided, on the recommendation of the Director concerned by the Head of Human Resource Management for officials at grade A4 or below and by the Secretary-General for officials at grade A5. Officials at grade A6 or A7 would not be eligible to appointment conversion. Conversion modalities, i.e. conversion criteria and internal procedures, will be reviewed in 2011 and presented to Members during the second phase of the Employment framework review.

40. Further changes are envisaged in 2010/2011, in the context of the Job Profiling Project, concerning in particular the Senior Management Group, with a special focus on the appointments' policy of functions at the A5 level.

#### ***D. End of Appointment***

41. Fixed-term appointments would expire, as at present.

42. A former official whose fixed-term appointment has expired after a period of continuous employment of at least five years within the Organisation may not be employed in any capacity, or enter into a contract with the Organisation for the provision of intellectual services, for a period of six months from the date of expiry of such appointment.

43. The provisions for end of appointment (Regulation 11) have been revised, in order to reflect the abolition of the notion of post and to improve the definitions of the grounds for termination at the initiative of the Organisation. They would also better distinguish termination of appointments at the initiative of the Organisation and non-renewal of fixed-term appointments.

#### **Proposed Changes to the Staff Regulations and Rules**

44. The revised text of the proposed changes to the Staff Regulations and Rules is annexed to the present document (Annex 1) **and is submitted to Council for approval. For the sake of clarity** and transparency, related Instructions are also provided to the Members, but for their information only since such Instructions are approved by the Secretary-General.



**Proposed Action**

45. In the light of the preceding, the Secretary-General invites the Council to adopt the following draft conclusions:

THE COUNCIL

- a) noted document C(2010)154/REV1;
- b) reaffirmed its commitment to the implementation of the Human Resource Management Reform Package and particularly to the employment framework reform;
- c) **approved the amendments to the Staff Regulations and Rules applicable to officials of the Organisation, as set out in Annex I to document C(2010)154/REV1;**
- d) **noted that the Secretary-General shall report annually to Council on direct selections and on the use of simplified procedures, as set out in paragraphs 22 and 33 of document C(2010)154/REV1.**

## TABLE OF CONTENTS

Background .....	2
Reasons for a Revised Employment Framework .....	3
Objectives of the Revised Employment Framework.....	4
Proposed Changes in the Employment Framework .....	4
A.    Categories of Employment .....	4
B.    Recruitment.....	5
C.    Contractual Policy.....	7
D.    End of Appointment.....	8
Proposed Changes to the Staff Regulations and Rules.....	8
ANNEX I .....	11
Title I – SCOPE OF APPLICATION AND GENERAL PROVISIONS.....	11
Title III – APPOINTMENT, SELECTION, REASSIGNMENTS, PROMOTIONS AND END OF APPOINTMENT.....	12
APPOINTMENT .....	12
SELECTION .....	13
TERMS OF APPOINTMENT.....	20
DURATION OF APPOINTMENT .....	22
CATEGORIES AND GRADES, ASSIGNMENT AND REASSIGNMENTS .....	24
EXTERNAL MOBILITY.....	26
ENDS OF APPOINTMENT.....	27
RESIGNATION, ABANDONMENT OF FUNCTIONS AND DEATH.....	31
AGE LIMIT .....	32
NON-ACTIVE STATUS .....	32
Title IV – SALARIES, ALLOWANCES AND BENEFITS .....	34
STAFF BENEFITS AND GRANTS.....	34
INDEMNITY FOR LOSS OF EMPLOYMENT .....	36
Title V – GENERAL OBLIGATIONS.....	38
WORKING CONDITIONS.....	38
Working Hours .....	38
Unpaid leave for private reasons .....	38
Unpaid training leave.....	38
ANNEXES .....	39
ANNEX III – RESOLUTION OF THE COUNCIL ON THE STATUTE AND OPERATION OF THE ADMINISTRATIVE TRIBUNAL .....	39
ANNEX XXI - VOLUNTARY EARLY RETIREMENT STATUS FOR MAINTENANCE STAFF ....	39
ANNEX XXVI - DECISION OF THE SECRETARY-GENERAL ON PERFORMANCE MANAGEMENT PROCEDURES.....	39
PROPOSED MODIFICATIONS WHICH DO NOT RESULT OF THE NEW EMPLOYMENT FRAMEWORK.....	40
Title IV – SALARIES, ALLOWANCES AND BENEFITS .....	40
SALARY SCALES .....	40

## **ANNEX I**

### **Title I – SCOPE OF APPLICATION AND GENERAL PROVISIONS**

#### **REGULATION 1**

- a) These Regulations shall apply to all persons employed by the Organisation whose letter of appointment states that they are officials of the Organisation (hereinafter “officials”).
- b) Subject to approval by the Council, the Secretary-General may adapt these Regulations in their application to any officials serving elsewhere than at the headquarters of the Organisation.
- c) These Regulations shall not apply to other categories of staff employed by the Organisation except to the extent determined by the Council.

### **Title III – APPOINTMENT, SELECTION, REASSIGNMENTS, PROMOTIONS AND END OF APPOINTMENT**

#### **APPOINTMENT**

##### **REGULATION 6**

- a) The Secretary-General shall appoint the officials of the Organisation pursuant to Article 11 of the Convention for Economic Co-operation and Development.
- b) Unless the Council decides otherwise, a person shall be appointed as an official only if he is a national of a Member of the Organisation<sup>1</sup>.

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1. By decision of the Council, persons who are not nationals of a Member of the Organisation may be appointed as officials only in the following programmes and services and under the following conditions:

- the Secretariat of the European Conference of Ministers of Transport (ECMT), now International Transport Forum (Council meeting of 25 May 1993, documents C(93)73/FINAL and C/M(93)10): the nationals of any Member Country of the European Conference of Ministers of Transport;
- the Sahel and West Africa Club (Council meeting of 27 November 2002, document C/M(2002)23, Annex 1 to document C(2002)239, Memorandum of Understanding of 10th January 2003): the nationals of any Member Country member of the Sahel and West Africa Club;
- the Secretariat of the Financial Action Task Force (FATF) (written procedure on 9 December 2005, documents C(2005)168 and C/M(2005)25): the nationals of any Member Country of that Task Force;
- the Support Unit of the Africa Partnership Forum (APF) (Council meeting of 15 December 2005, Annex 1 to document C(2005)156/REV1, document C/M(2005)25 and Memorandum of Understanding of 27 April 2006): the nationals of non-OECD Member countries;
- the Secretariat of the Partnership in Statistics for Development in the 21st Century (PARIS21), of Metagora and of the PARIS21 satellite programmes (Council meeting of 12 June 2007, documents C(2007)26/REV2 and C/M(2007)10): the nationals of countries eligible to receive Official Development Assistance (ODA), as set out by the Development Assistance Committee (DAC List of ODA Recipients);
- the Advisory Unit of the Partnership for Democratic Governance (PDG) (Council meeting of 12 July 2007, Annex III to document C(2007)71/REV1 and document C/M(2007)11, Memorandum of Understanding of 8 February 2008): the nationals of countries in the Partnership and from countries eligible to receive Official Development Assistance (ODA), as set out by the Development Assistance Committee (DAC List of ODA Recipients);

## SELECTION

### REGULATION 7

- a) In selecting officials, the Secretary-General shall give primary consideration to the necessity to obtain staff of the highest standards of competence and integrity.
- b) The Secretary-General shall provide, so far as possible, for an equitable allocation of functions among the nationals of Members of the Organisation and balanced gender representation, in particular as regards senior management functions.
- c) Officials are required to be medically fit for the performance of the functions assigned to them.

### Rule

#### 7/1 (new rule)

- a) The Secretary-General shall provide for a competitive standard procedure for the selection of officials to fulfill functions within the Organisation. The Secretary-General may apply simplified selection procedures for specific functions that are not anticipated to be required on the long term, are likely to be best filled internally, require to be filled urgently, or that are to be filled in the framework of an agreement with a national administration or an intergovernmental organisation. Such standard and simplified procedures shall be specified in Instructions of the Secretary-General.
- b) **Notwithstanding paragraph a) above, the Secretary-General may fill by direct selection:**
  - i) the functions of Chief of Staff, Deputy Chief of Staff, Chief Economist and Executive Director;
  - ii) other functions, in **exceptional** circumstances, **where there is an outstanding candidate or a very quick decision to be made.**
- c) Any person who has served as permanent representative or deputy permanent representative of a Member of the Organisation shall not be employed in any capacity by the Organisation nor enter into any contractual relationship with the Organisation, for a period of twelve months from the date of the cessation of his functions.

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- the Heiligendamm L'Aquila Process Support Unit (Council meeting of 16 July 2009, documents C(2009)107 and C/M(2009)17): the nationals of Brazil, China, India, Russia and South Africa;
  - the Global Forum on transparency and exchange of information for tax purposes (Council meeting of 17 September 2009, Annex I to document C(2009)122/FINAL: nationals from any Member of the Global Forum.

In case a national of a non-OECD Member were to be appointed to work in one of the above-mentioned programmes or services, he may not be selected for functions to be performed in any other services of the Organisation for which the Council has not granted any exception in respect of his nationality.

*General*

**Instructions**

**107/1**

- a) For the purposes of these Regulations, Rules and Instructions, the following terms shall be understood as follows:
- Selection: decision by which a person is chosen to fulfil functions within the Organisation;
  - Appointment: decision by which a person is appointed as an official;
  - Assignment : decision by which an official is assigned to functions;
  - Reassignment: decision by which an official is assigned to new functions;
  - Promotion: decision by which an official is promoted to a higher grade or category, pursuant to a selection procedure or by direct reassignment;
  - Close family member: the spouse or co-habitee of the official and any person having the following kinship with the official or his spouse or co-habitee: ascendant, descendant, brother, sister, uncle, aunt, first cousin, nephew, niece and in-law.
- b) For the purposes of these Regulations, Rules and Instructions, where reference is made in an Instruction to a grade in the A category, it shall be understood as including the same grade in the L category.

**107/2** Unless otherwise decided by the Secretary-General, the selection procedures shall be open to internal and external candidates.

*Standard selection procedure*

**Instructions**

**107/3** At least three weeks before the selection procedure is initiated, a vacancy notice shall be published internally and externally. This notice shall describe the functions to be performed, the category and grade attached to these functions, the conditions to be met by the candidates, the documents to be provided in support of the applications and the deadline for filing the applications.

**107/4** After the expiration of the period for the filing of applications, a short list of candidates shall be drawn up by the hiring Director in agreement with the Head of Human Resource Management. For selection at grade A5, A6 or A7, the Secretary-General shall approve any such list. For the preparation of this list, the candidates may be asked to take a written examination and/or other tests.

*Selection Panel*

**Instructions**

**107/5** All short-listed candidates shall be invited for an interview with a Selection Panel, the composition of which shall be drawn up by the hiring Director, in agreement with the Head of Human Resource Management. For selection at grade A5, A6 or A7, the Secretary-General should approve any such composition.

**107/6** The Selection Panel shall assess the candidates and list those candidates considered as suitable for selection for the vacant functions. All such listed candidates will be deemed to have successfully

completed the standard selection procedure and may be selected for the performance of other identical or comparable functions.

*Selection decision*

**Instructions**

**107/7** The selection decision shall be taken:

- a) for functions of grade A4 or below, by the hiring Director, after consultation with the Head of Human Resource Management;
- b) for functions of grade A5 and above, by the Secretary-General, after consultation with the hiring Director and the Head of Human Resource Management.

**107/8** Before any offer of appointment is made to a selected candidate, his professional references shall be checked by the hiring Directorate or Service in consultation with the Human Resource Management Service.

**107/9** Prior to the selection decision, the relevant advisory body shall be consulted on the regularity of the procedure.

**107/10** Prior to his appointment as an official, the selected candidate must undergo a medical examination on the basis of which the Medical Officer of the Organisation shall determine whether such candidate satisfies the standards of medical fitness required for the exercise of the functions he will be called upon to perform.

**107/11** If the selected candidate does not accept the offer of appointment or does not meet the medical fitness requirements, or vacates the functions for any reason within twenty-four months of the date on which he took them up, such functions may be filled in accordance with Instruction 107/12.

**107/12** A candidate listed as suitable for selection by a panel may be selected, within a period of twenty-four months as from the date of this list, to fulfill other identical or comparable functions in accordance with Instruction 107/7, without launching a new selection procedure.

*Simplified selection procedures*

**Instructions**

**107/13** The Head of Human Resource Management may, at the **justified** request of the hiring Director, authorise the use of a simplified selection procedure in the following cases:

- a) the functions require specific qualifications or experience that are less likely to be available outside the Organisation;
- b) an urgent staff need arises from a change in the Programme of Work and Budget, which results in a short delivery time for a given output;
- c) an unexpected staff movement could jeopardise the timely delivery of an output result;
- d) a project is expected to be completed within twenty four months;

- e) pursuant to a framework agreement with a national administration or an intergovernmental organisation, a person from such administration or organisation is to work for the OECD as an official for a minimum of twelve months and a maximum of thirty-six months.

**107/14** In cases falling under Instruction 107/13 a), the rules governing the standard selection procedure shall apply, subject to the following exceptions:

- a) the vacancy notice shall be published only internally and at least two weeks before the initiation of the selection procedure;
- b) may only apply those officials who have been selected pursuant to a standard selection procedure<sup>2</sup> or who have undergone such procedure and have been considered qualified for selection by a Selection Panel.

**107/15** In cases falling under Instruction 107/13 b), c) or d), the rules governing the standard selection procedure shall apply, subject to the following exceptions:

- a) a description of the functions to be performed shall be submitted by the hiring Director to the Head of Human Resource Management for approval;
- b) the Head of Human Resource Management may decide that no vacancy notice shall be published or that it shall be published for a shorter period than provided for under the standard selection procedure;
- c) the Head of Human Resource Management may decide that no Selection Panel shall be convened and no advisory body shall be consulted, in which case the qualifications of the candidates shall be assessed by the hiring Director and the Head of Human Resource Management;
- d) the appointment or reassignment shall be for a total period not exceeding twenty-four months, including possible renewals.

**107/16** In cases falling under Instruction 107/13 e), the rules governing the standard selection procedure shall apply, subject to the following exceptions:

- a) a description of the functions to be performed shall be submitted by the hiring Director to the Head of Human Resource Management for approval;
- b) no vacancy notice shall be published;

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<sup>2</sup> Those officials in service at the time of the entry into force of this Instruction:

- i) whose appointments resulted from a competitive selection procedure (i.e. an internal and external vacancy was published and the advisory body was consulted on the appointment); or
- ii) who hold an open-ended appointment; or
- iii) who hold a fixed-term appointment, which is converted into an open-ended appointment within 12 months following the entry into force of this Instruction;

shall be deemed to have been selected under the standard selection procedure.



- c) the Head of Human Resource Management shall request that the names and curriculum vitae of at least three qualified candidates be submitted by the relevant national administration or international organisation;
- d) no Selection Panel shall be convened and no advisory body shall be consulted;
- e) the qualifications of the candidates shall be assessed by the hiring Director and the Head of Human Resource Management;
- f) the appointment shall be for an initial period of at least twelve months and for a total period not exceeding thirty-six months, including possible renewals.

### *Exceptions*

#### **Instructions**

**107/17** A former official whose fixed-term appointment has expired after a period of continuous employment of at least five years within the Organisation may not be employed by the Organisation in any capacity, or enter into a contract with the Organisation for the provision of intellectual services, for a period of six months from the date of expiry of such appointment.

**107/18** No person shall be appointed or reassigned to functions within the Organisation in which he would have authority over, or be under the authority of, a close family member as defined in Instruction 107/1.

### *Advisory Bodies*

#### **Instructions**

**107/19** Unless otherwise specified, where reference is made to “the relevant advisory body”, it shall be understood as designating:

- a) the Management Review Board for decisions concerning officials at grade A5, A6 or A7 including those taken pursuant to selection procedures for functions of such grades;
- b) the Staff Review Board for decisions concerning other officials including those taken pursuant to selection procedures for functions of grades other than A5, A6 or A7.

#### **107/20**

- a) The Management Review Board shall be composed as follows:

Chair:	– a Deputy Secretary-General;
Other members:	<ul style="list-style-type: none"> <li>– the other Deputy Secretaries-General;</li> <li>– the Executive Director of the International Energy Agency (IEA) or its Deputy Executive Director, for cases concerning functions within the IEA;</li> <li>– the Executive Director;</li> <li>– the Chief of Staff;</li> <li>– the Head of Human Resource Management.</li> </ul>

- b) A member of the Executive Directorate shall act as Secretary to the Management Review Board.
- c) The deliberations of the Management Review Board as to the regularity of the procedure shall be valid when four of its members, including the Chair, are considering the case. In the absence of the Chair, he shall be replaced by the Deputy Secretary-General he has designated to act as Chair.
- d) For cases concerning functions within the IEA, the deliberations of the Management Review Board as to the regularity of the procedure shall be valid when four of its members, including the Chair and the Executive Director of the International Energy Agency (IEA) or its Deputy Executive Director are considering the case.

**107/21**

- a) The Staff Review Board shall be composed as follows:

Chair:	– the Executive Director;
Other members:	– four out of twenty officials nominated by the Secretary-General, including: <ul style="list-style-type: none"> <li>– two out of ten officials nominated directly by the Secretary-General;</li> <li>– two out of ten officials nominated by the Secretary-General on the proposal by the Staff Association.</li> </ul>

- b) For each decision to be reviewed, the Chair shall select the four members to sit on the Board, in accordance with paragraph a) above and Instruction 107/22.
- c) A member of the Executive Directorate shall act as Secretary to the Staff Review Board.
- d) The deliberations of the Staff Review Board as to the regularity of the procedure shall be valid when three of its members, including the Chair and one member nominated by the Secretary-General on the proposal by the Staff Association, are considering the case.

**107/22** For the application of Instruction 107/21:

- a) The mandate of the members shall be for two years and shall be renewable;
- b) A member may not sit on the Staff Review Board when it is considering a decision concerning:
  - the Directorate or Service of which he is an official, or
  - an official belonging to that Directorate or Service, or
  - functions for which the member concerned has submitted an application.

The two first exclusions do not apply to the Executive Director.

- c) In the absence of the Chair, he shall be replaced by a member he has designated to act as Chair.

**107/23** The Boards specified in Instruction 107/19 may request any person to attend part of a meeting to obtain any supplementary information useful for the consideration of a case. The proceedings of the Boards shall be confidential. The Boards may deliberate either under a written procedure or in a meeting. A meeting shall be decided upon by the Chair on his own initiative or at the request of any member of the Board. The advisory opinion delivered shall be adopted by a majority vote. In case of equal votes, the Chair shall have the casting vote.

## **TERMS OF APPOINTMENT**

### **REGULATION 8**

- a) Appointments of officials shall be made by a letter of appointment signed by the Secretary-General or his authorised representative.
- b) The letter of appointment shall determine the specific conditions of employment and mention that the appointment is subject to the provisions of these Regulations, Rules and Instructions and of any other rules which are applicable to officials, including amendments which may be made to these Regulations, Rules and Instructions or to the said rules, and that disputes arising from them may only be submitted to the Administrative Tribunal provided for in Regulation 22.
- c) No official shall be entitled to any right or benefit not derived from the letter of appointment or from these Regulations, Rules and Instructions or other rules applicable to officials.

### **Instructions**

**108/1** Any person selected for appointment as an official shall:

- a) receive a letter containing an offer of appointment signed by the Secretary-General or the Head of Human Resource Management;
- b) have access to the Regulations, Rules and Instructions applicable to officials.

**108/2** In addition to the information specified in Regulation 8, the letter of appointment shall specify in particular:

- a) the functions which the person will be called upon to perform;
- b) the duration of the appointment and the date by which the person is to take up his duties;
- c) that the appointment is subject to the condition that the person be found, by the Medical Officer, medically fit to perform the functions to be assigned to him;
- d) that the attention of the person selected is particularly drawn to the basic principles, rights and duties of the officials of the Organisation set out in Title II of these Regulations, Rules and Instructions;
- e) the duration of the probationary period and its possible extension or of the confirmation period for grades A6 and A7;
- f) that the appointment shall expire without prior notice on the date specified in the letter of appointment;
- g) the category, grade and salary at the time of the appointment;
- h) an estimate of the allowances to which the person may be entitled when taking up duty.

**108/3** Except for provision to the contrary, the date taken into account for determining the entitlement to allowances and benefits shall be the date when the official takes up functions.

**108/4** Unless the Head of Human Resource Management decides otherwise, an official's appointment shall be to the first step of the grade.

**108/5** The selected candidate shall notify his acceptance of the offer of appointment to the Head of Human Resource Management within twenty-one days of receipt of such offer. Failing notification of the acceptance of the offer of appointment within this period, the offer shall be deemed null and void.

**108/6** If, after accepting the offer of appointment, the official is found by the Medical Officer not to be medically fit to perform the functions assigned to him, or fails to take up functions by the date specified in the offer of appointment, the appointment shall be deemed null and void.

## **DURATION OF APPOINTMENT**

### **REGULATION 9**

- a) For officials at grade A5 or below:
  - i) the appointment shall be made initially for a fixed term not exceeding three years. In very limited circumstances and when the Organisation's interests so warrant, the Secretary-General may decide that the appointment be made initially for a fixed term not exceeding five years;
  - ii) the appointment shall be subject to a probationary period of up to six months from the date of appointment, which may be extended once for a further period not exceeding six months. During the last month of the probationary period, the Secretary-General shall decide whether to confirm the appointment, to extend the probationary period or to terminate the appointment;
  - iii) the fixed-term appointment may be renewed once or more, provided that the total duration of service under such fixed-term appointment does not exceed five years. However, such fixed-term appointment may be renewed after a period of five years of continuous employment in the following cases:
    - in order to complete the conversion procedure referred to in paragraph iv) below, for a further period not exceeding one year;
    - in very limited circumstances and when the Organisation's interests so warrant, for a further period not exceeding three years.
  - iv) the fixed-term appointment may be converted to an open-ended appointment, under the conditions set out in Instructions of the Secretary-General, provided that, at the time of his initial appointment or at any time during his fixed-term appointment, the official has successfully completed the standard selection procedure referred to in Rule 7/1 and the related Instructions.
- b) For officials at grade A6 or A7:
  - i) the appointment shall be made initially for a fixed term not exceeding three years;
  - ii) the appointment to one of these grades shall be subject to confirmation by the Secretary-General within one year from the date of appointment. If the Secretary-General decides not to confirm the appointment, he shall terminate the appointment, except if the official is reassigned to the functions previously assigned to him or to other functions corresponding to his qualifications and experience, including at his previous category and grade in case he had been promoted;
  - iii) the appointment may be renewed once or several times, each time for a fixed term not exceeding three years;
  - iv) the appointment cannot be converted into an open-ended appointment.

**Rules (new rules)**

**9/1** The requirement to have successfully completed the standard recruitment procedure, as provided for in Regulation 9 a) iv), shall not apply to officials at grade A5 or below in service at the time of entry into force of such Regulation.

**9/2** When an official holding an open-ended appointment has been promoted to functions at grade A6 or A7 and has been confirmed by the Secretary-General in these new functions, his appointment shall be deemed to have been converted, as from the date of the reassignment, into a fixed-term appointment governed by Regulation 9 b).

**Instructions**

**109/1** The duration of the probationary period provided for in Regulation 9 a), which shall be no less than three months for appointments up to one year, shall be determined by the Director concerned in consultation with the Head of Human Resource Management.

**109/2**

- a) During the last month of any probationary period, the official's manager shall draw up a report on his competence, efficiency and conduct.
- b) The report shall recommend that:
  - (i) the official's appointment be confirmed; or
  - (ii) his probationary period be extended; or
  - (iii) his appointment be terminated.
- c) The report shall be transmitted promptly to the Head of Human Resource Management for decision in respect of officials at grade A4 or below and to the Secretary-General for decision in respect of officials at grade A5.

**109/3** A fixed-term appointment shall expire without prior notice on the date specified in the letter of appointment. A fixed-term appointment may be renewed, but an official shall not be entitled to any renewal of such appointment or to its conversion to an open-ended appointment.

**109/4** Renewal of fixed-term appointments of officials at grade A4 or below shall be decided by the Head of Human Resource Management on the recommendation of the Director concerned. Renewal of appointments of officials at grade A5, A6 or A7 shall be decided by the Secretary-General.

**109/5**

- a) For officials at grade A5 or below, conversion of fixed-term appointments to open-ended appointments shall be decided, on the recommendation of the Director concerned, after a minimum of five years satisfactory service and if considered to be in the long term interests of the Organisation, bearing in mind organisational requirements.
- b) The conversion shall be decided by the Head of Human Resource Management for fixed-term appointments held by officials at grade A4 or below and by the Secretary-General for fixed-term appointments held by officials at grade A5, after consultation with the Head of Human Resource Management.

## **CATEGORIES AND GRADES, ASSIGNMENT AND REASSIGNMENTS**

### **REGULATION 10**

- a) The Secretary-General shall establish a schedule of the categories, grades and steps for the functions to be assigned to officials, which shall be submitted to the Council for approval.
- b) The Secretary-General shall be responsible for the allocation of functions among officials, their reassignment to other functions, their periodic advancement from one step to another and their promotion from one grade or category to another.
- c) The Secretary-General may second an official, with his consent, to work for another institution. He may also, when the interests of the Organisation so require, lend the services of an official, with his consent, to another institution.

#### *Categories and grades*

##### **Rules**

**10/1** Officials shall be classified into four categories: category A, category L, category B, category C.

***[Rules 10/1.1 to 10/1.4: No change as a result of the New Employment Framework]***

**10/1.1** Category A shall consist of seven grades: A1, A2, A3, A4, A5, A6, A7.

**10/1.2** Category L shall consist of five grades: LI1-LT1, LT2, LI3- LT3, LI4-LT4, L5.

**10/1.3** Category B shall consist of six grades: B1, B2, B3, B4, B5, B6.

**10/1.4** Category C shall consist of six grades: C1, C2, C3, C4, C5, C6.

#### *Advancement*

##### **Rule (new numbering)**

**10/2**

The periodic advancement of officials shall be given consideration once a year as part of the performance evaluation process.

##### **Instructions**

**110/2**

The advancement of an official within his grade shall depend on his competence, efficiency and conduct. It shall be based on an evaluation of the official's performance within the framework of the annual performance management cycle.

**110/2.1**

The procedures for the performance management system shall be laid down in a decision of the Secretary-General set out in Annex XXVI to these Regulations.



## *Reassignments*

### **Rule**

#### **10/3 (new rule)**

Notwithstanding Rule 7/1 a), the Secretary-General may directly reassign officials to other functions within the Organisation, either through transfers at the same grade or promotions.

## *Transfer*

### **Instructions**

**110/3.1** The reassignment of an official by transfer to functions at grade A5 or below shall be subject to confirmation by the Head of Human Resource Management within six months from the date of the reassignment. The specific duration of the latter period shall be determined by the Head of Human Resource Management. Until the official has been confirmed in the new functions assigned to him, he shall have the right to return to the functions previously assigned to him or to be reassigned to functions corresponding to his qualifications and experience.

**110/3.2** The reassignment of an official by transfer to functions at grade A6 or A7 shall be subject to confirmation by the Secretary-General within twelve months from the date of the reassignment. Until the official has been confirmed in the new functions assigned to him, he shall have the right to return to the functions previously assigned to him or to be reassigned to functions corresponding to his qualifications and experience.

**110/3.3** An official who is a close family member, as defined in Instruction 107/1, of another official or member of the staff, shall not be assigned to the latter's Directorate or Service without the permission of the Secretary-General. No official shall carry out functions under the authority of a close family member.

## *Promotion*

### **Instructions**

**110/3.4** The Secretary-General may reassign an official by promotion from one grade to another only after consulting the relevant advisory body referred to in Instruction 107/20.

**110/3.5** A reassignment of an official by promotion shall be subject to confirmation in the conditions provided for in Instructions 110/3.1 and 110/3.2.

## **EXTERNAL MOBILITY**

### **Loan**

#### **REGULATION 10bis**

- a) The Secretary-General may lend the services of an official, with his consent, to another institution.
  - i) The duration of the loan shall not exceed two years. However, in exceptional cases, when it proves to be in the interests of the Organisation, the period of loan may be renewed, upon the decision of the Secretary-General, for a further period or periods of not more than one year at a time.
  - ii) The official on loan shall remain subject to these Regulations, Rules and Instructions. He shall continue to enjoy the privileges and immunities attached to his status under Regulation 5bis. The official on loan shall continue to qualify for advancement in accordance with Regulation 10 b).
  - iii) The Secretary-General may, by means of Instructions, adapt the working conditions of the official on loan.
  - iv) The receiving institution shall reimburse the Organisation for all expenses incurred in the course of the loan or lend the Organisation the services of an official with similar qualifications. However, in exceptional cases, when it proves to be in the interests of the Organisation, the Secretary-General may lend the services of an official, with his consent, to a receiving institution without any compensation as defined above. In such cases, all or part of the expenses incurred during the loan shall remain payable by the Organisation.

#### **Instructions**

- 110bis/1** A loan agreement shall be concluded between the Organisation and the receiving institution.
- 110bis/1.4** The official shall carry out the functions assigned to him under the authority of the receiving institution.
- 110bis/1.5** Subject to the provision of an annual assessment report by the receiving institution, the official shall continue to qualify for advancement in accordance with Regulation 10 b).
- 110bis/1.6** Should the official on loan be in breach of his obligations under the Regulations, Rules and Instructions, the receiving institution may report the matter to the Secretary-General, and where necessary, may ask him to institute disciplinary proceedings and to take part in them.

#### *End of the loan period*

#### **Instruction**

- 110bis/1.15** Upon expiry of the loan period, the official shall return to the functions previously assigned to him or be assigned to other functions corresponding to his qualifications and experience and to his category and grade.

## **Secondment**

### **REGULATION 10bis**

- b) The Secretary-General may second an official, with his consent, to work for another institution for a period not exceeding two years, renewable for a further period or periods of not more than one year at a time.
  - i) The conditions of employment of a seconded official shall be fixed by the receiving institution. A seconded official shall receive neither salary nor indemnities or allowances from the Organisation. A seconded official shall not enjoy the privileges and immunities set out under Regulation 5bis. A seconded official shall continue to qualify for advancement in accordance with Regulation 10 b).
  - ii) A seconded official may be affiliated to the medical and social system of the Organisation or be entitled to complementary cover for health care expenses under conditions determined by Instructions subject to payment by the official or the receiving institution of all contributions in respect of the risks covered.
  - iii) Periods of secondment shall not be counted as service giving entitlement to benefits under the Pension Scheme. However, where the official is reinstated within the Organisation upon expiry of the period of secondment, all or part of the secondment periods may, on the decision of the Secretary-General, be assimilated to periods of service under Article 4.1.ii) of the Pension Scheme.
  - iv) An official seconded for a period of two years or less shall be entitled to be reinstated within the Organisation in his current category and grade. An official seconded for a period of more than two years may be reinstated at his request within the Organisation by the Secretary-General, should functions corresponding to his qualifications and experience become available.
  - v) If an official who has been seconded for more than two years is not reinstated within the Organisation, his appointment shall be terminated as from the date of expiry of his secondment without any period of notice or indemnity for loss of employment.

### **Instructions**

**110bis/2.3** Subject to provision of an annual assessment report by the receiving institution, the official shall continue to qualify for advancement in accordance with Regulation 10b).

## **ENDS OF APPOINTMENT**

### **REGULATION 11**

- a) The Secretary-General may terminate the appointment of an official:
  - i) for unsatisfactory service;
  - ii) in case of disciplinary dismissal;
  - iii) where:

- based on the Programme of work and budget of the Organisation, the Secretary-General decides to reduce the total number of officials assigned to a particular output or activity, or performing a particular type of functions, or carrying a particular category and grade;
  - further to the redefinition of the functions, the official's skills and qualifications no longer match the needs of the Organisation;
  - the functions assigned to the official have become unnecessary or redundant;
- iv) if the country of which the official is a national ceases to be a Member of the Organisation;
- v) if the official refuses to be assigned to other functions corresponding to his qualifications and experience, at the same category and grade, or if the Organisation or the official's work unit is transferred to another place and the official refuses to be transferred to that place;
- vi) if the official's appointment, which was made subject to a probationary period or a confirmation period, is not confirmed;
- vii) if the official is incapacitated for service or cannot be reinstated at the end of a period of non-activity or secondment.
- b) The Secretary-General may terminate the appointment of an official upon agreement with the official concerned.
- c) In cases falling under a) i), iii), v) or vii) above:
  - i) the decision shall be taken after the relevant advisory body has been consulted on the regularity of the procedure;
  - ii) an official shall be notified in writing, before the consultation of the relevant advisory body, of the Secretary-General's intention to terminate his appointment, indicating the grounds for such intended termination.
- d) In all cases falling under a) above, an official shall be notified in writing of the Secretary-General's decision to terminate his appointment, indicating the grounds for such termination.
- e) The period of notice shall be:
  - i) four months for an official whose appointment is terminated for the reasons set out in a) i), iii) or iv) above. After four years of service, the notice given in the cases covered in a) i), iii) and iv) above shall increase by one month for each two years of service to a maximum of ten months;
  - ii) one month for an official of grade A5 or below whose appointment has not been confirmed;
  - iii) three months for an official of grade A6 or A7 whose appointment has not been confirmed.
- f) The notice period shall run:
  - i) in cases falling under a) i) and iii) above, from the date of notification of the Secretary-General's intention to terminate the appointment;
  - ii) in cases falling under a) iv) above, from the date of notification of the Secretary-General's decision to terminate the appointment.

- g) If an official is on sick leave or on military service leave when the notice period starts, such period shall be increased by the number of days during which such official is actually on sick leave or on military service leave after the starting date of the notice period.
- h) In exceptional circumstances, instead of giving the notice provided for in paragraph e) above, the Secretary-General may pay an official whose appointment is terminated the emoluments and allowances due for the period of notice.
- i) A notice period need not be observed when the appointment is terminated for the reasons set out in a) ii), v), vi) or vii) above.
- j) When a fixed-term appointment ends at its expiry date, a notice period need not be observed.

However, when a fixed-term appointment ends at its expiry date and the official has been employed continuously for six years or more, a notice period of four months shall be observed. After four years of continuous employment, this notice period shall increase by one month for each two years of employment to a maximum of ten months. This notice period shall run from the notification of the letter recalling to the official the expiry date of his appointment. In exceptional circumstances, instead of giving the notice provided for above, the Secretary-General may pay the official the emoluments and allowances due for the period of notice.

### *General*

#### **Instructions**

**111/1** In cases in which the appointment is terminated pursuant to Regulation 11 a) i), iii) or vii), the relevant advisory body must hear the official if he has so requested in writing within eight days of receiving the letter informing him that his case will be examined by this body. Should he be physically unable to attend, the advisory body shall examine the case in the absence of the official, who may designate another serving official to represent him.

**111/1.1** The Head of Human Resource Management shall have the authority to terminate appointments of officials in categories B and C.

**111/1.2** Notifications relating to the termination of an official's appointment shall be made by the Head of Human Resource Management.

### *Termination in case of disciplinary dismissal*

#### **Instructions**

**111/1.3** Prior to terminating the appointment of an official on the grounds of a disciplinary dismissal, the Secretary-General shall obtain the opinion of the Joint Advisory Board referred to in Regulation 22, if its consultation was requested by the official in accordance with Instruction 121/1.3.5.

**111/1.4** In cases in which an official's appointment is terminated pursuant to Regulation 11 a) ii), the decision shall be made and notified by the Secretary-General.

*Termination pursuant to Regulation 11 a) iii)*

**Instruction**

**111/1.5** In cases in which the appointment of an official is terminated pursuant to Regulation 11 a) iii):

- a) the Organisation shall assist the official by seeking actively and spontaneously available functions in the Organisation corresponding to his qualifications and experience, and, if this search is unsuccessful, by facilitating his search for employment outside the Organisation;
- b) the Secretary-General shall, unless the official renounces thereto in writing, seek such functions during a period of three months following the beginning of the notice;
- c) if the Secretary-General has been unable to find such functions by the end of the search period or has not searched for such functions because the official concerned has renounced redeployment, the Secretary-General may then terminate the official's appointment, after consultation with the advisory body referred to in Instruction 107/19, paying him the emoluments and allowances corresponding to the balance of this period of notice.

*Cessation of work*

**Instructions**

**111/2** Any official whose appointment is terminated shall be entitled to cease work at least one month before the expiry of the period of notice specified in Regulation 11 e).

**111/2.1** If an official requests not to serve during all or part of the period of notice, the Secretary-General may terminate the official's appointment at an earlier, mutually agreed, date. In this case, the period of notice shall end on the date agreed for the end of the appointment, and no payment in lieu of notice shall be payable in respect of any subsequent period.

*Payment instead of notice*

**Instruction**

**111/3** The emoluments and allowances payable under Regulation 11 h) and j) shall be:

- a) the salary specified in Regulation 15;
- b) the allowances specified in Regulation 16 a), b) and g);
- c) the contributions to the Provident Fund pursuant to the Provident Fund Rules and Instructions for those who contribute to the Fund.

*Entitlement to an indemnity for loss of employment*

**Instruction**

**111/4** Entitlement to an indemnity for loss of employment shall be determined in accordance with Rule 17/7 and following.

**RESIGNATION, ABANDONMENT OF FUNCTIONS AND DEATH**

**REGULATION 12**

- a) Any official may resign upon giving the Secretary-General notice of at least three months. The Secretary-General may, however, accept a shorter period of notice.
- b) When an official's unauthorised and unexplained absence exceeds fourteen calendar days, he shall be considered to have resigned from the Organisation, and his service with the Organisation shall be deemed to have ceased on the first day of his absence.
- c) When an official dies in service, his appointment shall be considered as terminated on the last day of the month of his death.

**Instructions**

**112/2**

- a) During their probationary period, officials at grade A5 or below may resign upon giving the Secretary-General notice of one month.
- b) During their confirmation period, officials at grade A6 or A7 may resign upon giving the Secretary-General notice of three months.

## **AGE LIMIT**

### **REGULATION 13**

The age limit shall be sixty-five years.

## **NON-ACTIVE STATUS**

### **REGULATION 14**

- a) An official may be placed on non-active status:
  - i) for a period of not more than 32 months upon the expiry of his sick leave provided for in Regulation 20 g);
  - ii) upon the expiry of his leave for military service provided for in Regulation 20 h);
  - iii) for a period of not more than 24 months for personal reasons.
- b) An official on non-active status shall not be entitled to any salary or allowances but may be granted benefits pursuant to Regulation 17. The period spent on non-active status shall not be considered as effective service with the Organisation.
- c) Where an official is in a position to resume work after a period of non-active status as specified in paragraphs a) i) or ii) above, he shall be entitled to reinstatement in his previous category and grade, if functions corresponding to his qualifications and experience are available within the Organisation.

## **Rules**

### **14/1**

- a) Where an official on non-active status for reasons of sickness becomes fit to resume work and cannot be reinstated in his category and grade because, after a period of research of three months, no functions corresponding to his qualifications and experience are available within the Organisation, or where an official is not fit for service at the end of a period of non-active status as specified in Regulation 14 a) i), the Secretary-General shall terminate his appointment under Regulation 11 a) vii) and shall pay the official the indemnity provided for in Rules 17/7.2 and following. Such indemnity may not be cumulated with that provided for under Rule 17/7 for situations referred to in Regulation 11 a) iii), iv) or v) and shall not be paid if the conditions in Rule 17/7.1 are met.
- b) Where an official wishes to resume work after a period of non-active status for reasons of military service, but after a period of research of three months no available functions corresponding to his qualifications and experience have been found, the Secretary-General shall terminate his appointment without notice or indemnity.
- c) At least three months before the end of a period of non-active status for personal reasons, an official, although not entitled to be reinstated, may ask to return to work. This official shall be



authorised to apply to vacancies only published internally, and the Organisation shall assist him by seeking available functions in the Organisation corresponding to his qualifications and experience for three months as from his request. Should any such request be made less than three months before the end of a period of non-active status for personal reasons, the period during which the official shall be authorised to apply to vacancies only published internally shall be reduced accordingly. If, at the end of this period, his application has not been accepted, the Secretary-General shall terminate his appointment without notice or indemnity.

## 14/2

- a) The functions held by an official immediately prior to his being placed on non-active status for reasons of sickness attributable to a work accident or occupational disease may not be filled for a period exceeding the foreseeable duration of his incapacity, as determined by the Medical Officer of the Organisation, and if this official becomes fit to resume work at, or before the end of, the period of non-active status specified in Regulation 14 a) i), he shall be entitled to be reassigned to the functions performed before being placed on non-active status.
- b) If the functions are however filled and the official becomes fit to work before the expected end of his incapacity, the Secretary-General shall assign him to other available functions corresponding to his qualifications and experience and to his category and grade.
- c) If the official becomes fit to work before the end of the period of non-active status specified in Regulation 14 a) i) and if the functions assigned to him immediately prior to his being placed on non-active status has been affected by one of the situations referred to in Regulation 11 a) iii), iv), v), the Secretary-General may terminate his appointment.

## Instruction

## 114/3

- a) Where an official on non-active status for reasons of sickness is declared medically fit for service by the Medical Officer of the Organisation, the Organisation shall, for a period of three months as from the declaration of fitness, look for available functions within the Organisation corresponding to his qualifications and experience, unless the official renounces thereto in writing.
- b) Where an official on non-active status for reasons of military service requests in writing to return to work, the Organisation shall, for a period of three months as from the end of the period of non-active status, look for available functions within the Organisation corresponding to his qualifications and experience.
- c) During the period of research referred to in paragraphs a) and b) above, the official shall be placed on non-active status for personal reasons.
- d) If functions corresponding to the qualifications and experience of the official are available during the period of research, those functions shall be assigned immediately to him. If, at the end of the period of research, no functions corresponding to the qualifications and experience of the official are available, the Secretary-General shall terminate his appointment after consulting the advisory body referred to in Regulation 11 and under the conditions referred to in Rules 14/1 and 14/2.

## **Title IV – SALARIES, ALLOWANCES AND BENEFITS**

### **STAFF BENEFITS AND GRANTS**

#### **REGULATION 17**

##### **Rule**

##### **17/1.10**

- a) In the event of permanent invalidity which totally prevents him from performing the functions assigned to him, an official affiliated to the Pension Scheme shall be entitled to a pension in accordance with the Pension Scheme Rules set out in Annexes X and X bis.
- b) In the event of permanent invalidity assessed at two-thirds or over within the meaning of French Social Security legislation, a serving official or an official on non-active status due to sickness who is affiliated to the Provident Fund shall be entitled to an annuity subject to an adjustment coefficient for life annuities fixed in accordance with French legislation.

##### **Rule**

##### **17/1.12**

- a) An accident shall be deemed to be a work accident where it occurs as a result of, or in connection with, functions performed within the Organisation and causes physical injury to a serving official.
- b) An accident shall also be deemed to be a work accident where it occurs:
  - i) in the course of the normal journey from home to the normal place of work or vice versa, or
  - ii) in the course of travel on duty, either during the journey to the place of mission or at an event during the mission, or
  - iii) in the course of travel for the purpose of taking up duty or following the termination of employment, provided such travel is on routes and within the time limits specified under the rules of the Organisation.
- c) An occupational disease which is attributable to the performance of functions within the Organisation shall be deemed to be a work accident.
- d) In the event of difficulty in interpreting principles set out in paragraphs a) to c) above, analogous reference shall be made to the French legislation applicable to work accidents and occupational diseases, and to relevant decisions of the French courts. In particular, any bodily injury resulting from the action of some sudden, and generally violent, outside source shall be deemed to be an accident.

## **Instructions**

### **117/1.12.1**

- a) A relapse following a work accident which occurs in the performance of the functions assigned to an official or following an occupational disease contracted as a result of such functions shall be deemed to be a work accident or occupational disease, even when such relapse takes place after termination of the official's appointment.
- b) Any accident within the meaning of Rule 17/1.12 which occurs while the official is on mission shall be deemed to be a work accident, provided he had not interrupted his official business for some personal reason unrelated to the functions assigned to him.

## **Rule**

### **17/1.13**

- a) Health care expenses resulting from treatment of the consequences of a work accident or occupational disease or from functional rehabilitation shall be reimbursed at 100 per cent without any ceiling.
- b) An official who is obliged to cease work as a result of a work accident shall be entitled to maintenance of the entirety of his salary and allowances and, if he has a fixed-term appointment, to the renewal of his appointment until his state of health is found to be definitely settled or, at the latest, age 65.

## **Rule**

### **17/1.14**

- a) An official affiliated to the Pension Scheme, who is victim of a work accident or who contracts an occupational disease, and is recognised to be suffering from permanent invalidity which totally prevents him from performing the functions assigned to him, shall be entitled, in accordance with the Pension Scheme Rules, to an invalidity pension.

## *Pension Scheme*

## **Instruction**

**117/2.1.1** For the purposes of the Pension Scheme Rules set out in Annex X and X bis, the references to the “post”, the “job” or the “duties” of a “staff member” shall be understood, for the OECD’s officials, to be the functions assigned to an official.

## **INDEMNITY FOR LOSS OF EMPLOYMENT**

### **Rules**

#### **17/7**

An official shall be entitled to an indemnity for loss of employment:

- a) where his appointment is terminated for any one of the reasons enumerated in Regulation 11 a) iii), to v) inclusive and 11 b); or
- b) where his appointment is not renewed, except for reasons of discipline or for unsatisfactory service, if he has served not less than six consecutive years with one or more of the co-ordinated organisations specified in Rule 17/7.1.

#### **17/7.1**

Notwithstanding the provisions of Rule 17/7, the indemnity for loss of employment shall not be paid to an official:

- a) who has been offered other functions in the same grade in the Organisation;
- b) who has been assigned to functions carrying comparable remuneration in the European Space Agency, the European Centre for Medium-Range Weather Forecasts, the Council of Europe, the North Atlantic Treaty Organisation or the Western European Union;
- c) whose appointment is terminated pursuant to Regulation 11 a) v) if his letter of appointment provided for the possibility of his work unit being transferred to another place;
- d) who, on the date his appointment ends, has the right to be reintegrated by his previous employer.

**17/7.2** An official appointed for a fixed term whose appointment is terminated and who has not served for six consecutive years with one or more of the co-ordinated organisations specified in Rule 17/7.1. shall be entitled to an indemnity for loss of employment, the amount of which shall be equal to one half of his monthly emoluments multiplied by the number of months remaining up to the expiry of the term of his appointment, provided that it shall in no case exceed:

- five months' emoluments in the case of an appointment for three years or less;
- eight months' emoluments in the case of an appointment for four years or for any term between three years and four years;
- ten months' emoluments in the case of an appointment for more than four years.

**17/7.3** An official appointed for an open-ended term, or an official appointed for a fixed term who has served not less than six consecutive years with one or more of the co-ordinated organisations specified in Rule 17/7.1., shall be entitled to an indemnity for loss of employment, the amount of which shall be one month's emoluments for each year of service from the date the official joined any of these organisations.

However, the amount of indemnity so calculated shall be subject to a ceiling which is set at eighteen months.

Furthermore, the amount of indemnity shall not represent a number of months, or fractions of months in excess of the period which the official would still have to serve before reaching the age limit specified in Regulation 13.

Finally, such indemnity, when added to the total pension to be received on account of the Pension Scheme until the age of 65 and to the payment instead of notice, shall not amount to more than the emoluments the official would have received had he remained in employment with the Organisation in his last grade and step until such age.

## **Title V – GENERAL OBLIGATIONS**

### **WORKING CONDITIONS**

#### **REGULATION 20**

##### **Working Hours**

##### **Instructions**

**120/1.1.3** Unauthorised and unexplained absence shall render an official liable to disciplinary action under Regulation 21.

**120/1.2.5** Where an official wishes to work on a full-time basis after having worked part time pursuant to Rule 20/2 a) i), he shall send a written request to this effect to the Head of Human Resource Management who shall, together with the official's director, determine whether such request can be accepted having regard to the requirements of the service. If so, the Head of Human Resource Management shall transform the part-time appointment into a full-time appointment. The decision to transform the appointment shall not take effect earlier than one month after having been taken.

**120/1.2.6** Where an official wishes to work on a full-time basis after having worked part time pursuant to Rule 20/2 b), he shall send a written request to this effect to the Head of Human Resource Management who shall, together with the official's director, determine the date on which the official shall resume work on a full-time basis, having regard to the requirements of the service.

**120/1.2.7** Save in exceptional circumstances, as left to the discretion of the Head of Human Resource Management, if an official who has benefited from the provisions of Rule 20/2 b) does not resume full-time work at the end of the period applicable, he shall be considered to have resigned, and his appointment shall be terminated without notice or indemnity.

##### **Unpaid leave for private reasons**

##### **Instructions**

**120/8.2** Account shall be taken of periods of unpaid leave for urgent or private reasons in respect of the accrual of service credits toward annual leave, home leave, or advancement. Such periods shall give entitlement to sick leave and maternity leave. The official shall remain assigned to his functions.

##### **Unpaid training leave**

##### **Instructions**

**120/9.2** Account shall be taken of periods of unpaid leave for short-term training in respect of the accrual of service credits toward annual leave, home leave, or advancement. Such periods shall give entitlement to sick leave and maternity leave. The official shall remain assigned to his functions.

**120/9.4** No account shall be taken of periods of unpaid leave for long-term training in respect of the accrual of service credits toward annual leave, home leave, or advancement. Such periods shall not give entitlement to sick leave or maternity leave. Upon the expiry of such leave, the functions previously assigned to the official or functions corresponding to his qualifications and experience shall be assigned to him.

## **ANNEXES**

### **ANNEX III – RESOLUTION OF THE COUNCIL ON THE STATUTE AND OPERATION OF THE ADMINISTRATIVE TRIBUNAL**

#### **Article 1**

#### **Jurisdiction of the Tribunal**

- c) The Tribunal shall have jurisdiction over applications filed by persons who are not members of staff of the Organisation, challenging the refusal of their application for appointment to functions governed by the above-mentioned Regulations, where it is alleged that such refusal was the result of discrimination based on the grounds of racial or ethnic origin, nationality, opinions or beliefs, gender, sexual orientation, health or disabilities.

### **ANNEX XXI - VOLUNTARY EARLY RETIREMENT STATUS FOR MAINTENANCE STAFF**

3. Voluntary early retirement status shall take effect on the date set by the Head of Human Resource Management and no later than the first day of the second month following the official's request, without prejudice to the provisions of Article 8 below. The Organisation may assign another official to the functions held by the official immediately prior to being placed on voluntary early retirement status.

.../...

9/4 For application of Rules 17/1.10 to 17/1.14 concerning protection in the event of death or invalidity, officials placed on voluntary early retirement status shall still be considered to be assigned to the functions to which they were assigned immediately prior to the beginning of their voluntary early retirement.

### **ANNEX XXVI - DECISION OF THE SECRETARY-GENERAL ON PERFORMANCE MANAGEMENT PROCEDURES**

14. The composition of the Management Review Board is set out in the Instructions under Regulation 7 of the Staff Regulations applicable to Officials of the Organisation (hereinafter the «Staff Regulations»). However, when the Board is reviewing the global evaluation and rating proposal for performance established by the Secretary-General for the Executive Director, the Chief of the Secretary-General's Staff or the Head of Human Resource Management, the official in question shall not sit on the Board. Moreover, the Head of Human Resource Management shall not sit on the Board when it is reviewing the global evaluation and rating proposal for the performance of the Executive Director.

**PROPOSED MODIFICATIONS WHICH DO NOT RESULT  
OF THE NEW EMPLOYMENT FRAMEWORK**

**New Instruction 101/2.2**

A director on whom powers or functions are conferred by the Staff Regulations, Rules and Instructions may delegate part or all of these powers or functions to the official he has designated for this purpose. In the absence or impediment of the director, the powers and functions conferred on him by the Staff Regulations, Rules and Instructions shall be carried out by his deputy or the official he has designated for this purpose.

**New Instruction 101/2.3**

In cases where an administrative structure is not headed by a director, the powers and functions conferred on a director by the Staff Regulations, Rules and Instructions shall be carried out by the Head of that structure.

**Please note that the above may result in minor drafting adjustments across the Regulations, Rules and Instructions.**

**Title IV – SALARIES, ALLOWANCES AND BENEFITS**

**SALARY SCALES**

**REGULATION 15 (corrigendum)**

- a) The Secretary-General shall establish salary scales by categories, grades and steps, which shall be submitted to the Council for approval.

Officials may not receive any remuneration from any Government. However, the Secretary-General may, if in his opinion it is justified, permit exceptions in the case of officials placed at the disposal of the Organisation by any Member Government. The Secretary-General shall keep the Council informed of the cases or categories in respect of which such exceptions have proved necessary and the grounds for such exceptions. **Title IV** of these Regulations shall apply to such officials only to the extent specified in the letter of appointment.