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WIPO Coordination Committee

**Seventy-Sixth (50th Ordinary) Session
Geneva, September 30 to October 9, 2019**

AMENDMENTS TO STAFF REGULATIONS AND RULES

Document prepared by the Director General

TABLE OF CONTENTS

Sections of document WO/CC/76/1

- I. Introduction
- II. Amendments to Staff Regulations (for approval)
- III. Amendments to Staff Rules (for notification)

Annexes

- Annex I Proposed amendments to Staff Regulations
- Annex II Amendments to Staff Rules

I. INTRODUCTION

1. Amendments to the Staff Regulations and to the Staff Rules are presented to the WIPO Coordination Committee for approval and for notification, respectively.
2. These amendments are presented as part of the ongoing review of the Staff Regulations and Rules, which allows WIPO to maintain a sound regulatory framework that adapts to, and supports, the changing needs and priorities of the Organization, while ensuring alignment with best practices in the United Nations common system.

II. AMENDMENTS TO STAFF REGULATIONS (FOR APPROVAL)

3. The proposed amendments to the Staff Regulations, to be effective as from January 1, 2020, are provided in Annex I. The main amendments are explained below.

Regulation 3.19 – Staff Assessment

4. The staff assessment rates applicable in the United Nations common system are reviewed at regular intervals and were last revised with effect from January 1, 2019. It is proposed to remove the rates from Regulation 3.19 and to reflect them instead in a (new) Staff Rule, which can be amended as and when the staff assessment rates are modified.

Regulation 9.9 – Repatriation Grant

5. The proposed amendment clarifies that only years of continuous service on a fixed-term, continuing or permanent appointment count for the purposes of the repatriation grant.

Regulation 9.10 – Age Limit for Retirement

6. The proposed amendment raises the mandatory age of separation for staff recruited before January 1, 2014, to 65 years with effect from January 1, 2020, as decided by the WIPO Coordination Committee at its Seventy-Fourth (48th Ordinary) Session.¹

Regulation 12.5 – Transitional Measures

7. In addition to editorial changes, it is proposed to add two new paragraphs to Regulation 12.5, both related to the above-mentioned proposed amendment to Regulation 9.10. One of these two paragraphs aims at preserving the acquired right to retire at 60 or 62 for staff members who entered into service before November 1, 1990, or January 1, 2014, respectively. The other new paragraph specifies that staff members who reached the mandatory age of separation of 60 or 62 before January 1, 2020 (including those who are exceptionally retained in service beyond this age after January 1, 2020), will not have their mandatory retirement age increased to 65.

Other Amendments

8. Other amendments, which are less substantive in nature, are also proposed for the following Regulations, as detailed in Annex I:

Regulation 3.13 – Night Differential
Regulation 4.18 – Continuing Appointments
Regulation 4.19 – Permanent Appointments

¹ See WO/CC/74/8, "Report adopted by the WIPO Coordination Committee", December 14, 2017.

III. AMENDMENTS TO STAFF RULES (FOR NOTIFICATION)

9. The amendments to the Staff Rules, which will be effective as from January 1, 2020, are provided in Annex II. They concern:

- New Rule 3.19.1 – Staff Assessment Rates
- Rule 11.3.1 – Means of Informal Conflict Resolution

10. *The WIPO Coordination Committee is invited:*

(i) to approve the amendments to the Staff Regulations as provided in Annex I, document WO/CC/76/1; and

(ii) to note the amendments to the Staff Rules as provided in Annex II, document WO/CC/76/1.

[Annexes follow]

PROPOSED AMENDMENTS TO STAFF REGULATIONS TO BE EFFECTIVE AS FROM JANUARY 1, 2020

Provision	Current Text	Proposed New Text	Purpose/Description of amendment																				
<p>Regulation 3.13 Night Differential</p>	<p>[...]</p> <p>(f) In Geneva, staff members in the General Service category who are obliged either to work after 20.00 without a break for an evening meal, or to work overtime after 23.00, or to work at least two hours overtime after a tour of duty ending later than 20.00, shall be paid an additional sum to be prescribed by the Director General to cover the cost of refreshment during night work.</p> <p>(g) The Regulation shall not apply to staff members specifically engaged for night work.</p>	<p>[...]</p> <p>(f) In Geneva, staff members in the General Service category who are obliged either to work after 20.00 without a break for an evening meal, or to work overtime after 23.00, or to work at least two hours overtime after a tour of duty ending later than 20.00, shall be paid an additional sum to be prescribed by the Director General to cover the cost of refreshment during night work.</p> <p>(g)—The Regulation shall not apply to staff members specifically engaged for night work.</p>	<p>General Service staff in Geneva who meet the conditions provided in Regulation 3.13(f) are paid an amount of 4.50 Swiss francs for night refreshments. It is proposed to delete the provision for purposes of administrative efficiency (the administrative cost of processing payments for night refreshments is not commensurate to the limited benefit for staff) and to ensure the equal treatment of all General Service staff regardless of their duty station. It is also noted that other organizations of the United Nations common system do not pay night refreshments to Geneva-based staff (e.g., the United Nations Office at Geneva and the World Health Organization).</p>																				
<p>Regulation 3.19 Staff Assessment</p>	<p>Each staff member shall be subject to internal taxation ("staff assessment") at the following rates:</p> <p>(a) For staff members in the Professional category and above:</p> <p>(1) Staff assessment rates used in conjunction with gross salaries, excluding post adjustment:</p> <table border="1" data-bbox="365 1034 947 1246"> <thead> <tr> <th>Assessable Annual Amounts (in US dollars)</th> <th>(per cent)</th> </tr> </thead> <tbody> <tr> <td>first \$ 50,000</td> <td>17</td> </tr> <tr> <td>next \$ 50,000</td> <td>24</td> </tr> <tr> <td>next \$ 50,000</td> <td>30</td> </tr> <tr> <td>remaining assessable amounts</td> <td>34</td> </tr> </tbody> </table> <p>(2) Staff assessment rates for purposes of pensionable remuneration and pensions:</p>	Assessable Annual Amounts (in US dollars)	(per cent)	first \$ 50,000	17	next \$ 50,000	24	next \$ 50,000	30	remaining assessable amounts	34	<p>Each staff member shall be subject to internal taxation ("staff assessment") at the following rates:</p> <p>(a) For staff members in the Professional category and above:</p> <p>(1) Staff assessment rates used in conjunction with gross salaries, excluding post adjustment:</p> <table border="1" data-bbox="969 1034 1552 1246"> <thead> <tr> <th>Assessable Annual Amounts (in US dollars)</th> <th>(per cent)</th> </tr> </thead> <tbody> <tr> <td>first \$ 50,000</td> <td>17</td> </tr> <tr> <td>next \$ 50,000</td> <td>24</td> </tr> <tr> <td>next \$ 50,000</td> <td>30</td> </tr> <tr> <td>remaining assessable amounts</td> <td>34</td> </tr> </tbody> </table> <p>(2) Staff assessment rates for purposes of pensionable remuneration and pensions:</p>	Assessable Annual Amounts (in US dollars)	(per cent)	first \$ 50,000	17	next \$ 50,000	24	next \$ 50,000	30	remaining assessable amounts	34	<p>A common scale of staff assessment, applicable to all categories of staff for purposes of pensionable remuneration, was introduced with effect from January 1, 2019. The new rates require amendments to paragraphs (a)(2) and (b)(1) of Regulation 3.19. Furthermore, the staff assessment rates applicable to staff members in the Professional and higher categories for gross salaries purposes (paragraph (a)(1) of Regulation 3.19) are reviewed every three years.</p> <p>It is thus proposed to remove the staff assessment rates from Regulation 3.19 and to reflect them in a (new) Staff Rule (see Annex II), which can be amended as and when the staff assessment rates applicable to organizations of the United Nations common system are modified.</p>
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<p>Regulation 4.18</p> <p>Continuing Appointments</p>	<p data-bbox="365 1074 947 1345">(a) Continuing appointments are appointments of unlimited duration. A continuing appointment may be granted to a staff member in the Director, Professional, National Professional Officer or General Service categories who has completed five years of continuous service, whose qualifications, performance and conduct have fully demonstrated his or her suitability as an international civil servant and who has shown that he or she meets the standards required under Regulation 4.1.</p>	<p data-bbox="969 1074 1552 1377">(a) Continuing appointments are appointments of unlimited duration. A continuing appointment may be granted, under conditions prescribed in an Office Instruction, to a staff member in the Director, Professional, National Professional Officer or General Service categories who has completed five years of continuous service, whose qualifications, performance and conduct have fully demonstrated his or her suitability as an international civil servant and who has shown that he or she meets the standards required under Regulation 4.1.</p>	<p data-bbox="1574 1074 2150 1153">To clarify that the detailed conditions for the granting of continuing appointments are prescribed in an Office Instruction.</p>																																								

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	(b) Continuing appointments shall be granted at the discretion of the Director General.	(b) Continuing appointments shall be granted at the discretion of the Director General.	
Regulation 4.19 Permanent Appointments	(a) Permanent appointments are appointments of unlimited duration. A permanent appointment may be granted to a staff member in the Director, Professional or General Service categories who was holding a fixed-term appointment as at December 31, 2011, who has completed seven years of continuous service, whose qualifications, performance and conduct have fully demonstrated his or her suitability as an international civil servant and who has shown that he or she meets the standards required under Regulation 4.1. (b) Permanent appointments shall be granted at the discretion of the Director General.	(a) Permanent appointments are appointments of unlimited duration. A permanent appointment may be granted, under conditions prescribed in an Office Instruction , to a staff member in the Director, Professional or General Service categories who was holding a fixed-term appointment as at December 31, 2011, who has completed seven years of continuous service, whose qualifications, performance and conduct have fully demonstrated his or her suitability as an international civil servant and who has shown that he or she meets the standards required under Regulation 4.1. (b) Permanent appointments shall be granted at the discretion of the Director General.	To clarify that the detailed conditions for the granting of permanent appointments are prescribed in an Office Instruction.
Regulation 9.9 Repatriation Grant	[...] (b) The repatriation grant shall be calculated on the basis of years of continuous service and residence away from the home country, in accordance with the following schedule: Years of continuous service and residence away from home country [...]	[...] (b) The repatriation grant shall be calculated on the basis of years of continuous service on a fixed-term, continuing or permanent appointment and residence away from the home country, in accordance with the following schedule: Years of continuous service (on a fixed-term/continuing/permanent appointment) and residence away from the home country [...]	To clarify that only years of continuous service on a fixed-term, continuing or permanent appointment count for the purposes of the repatriation grant.
Regulation 9.10 Age Limit for Retirement	(a) Staff members whose appointments took effect on or after January 1, 2014, shall not be retained in service beyond the age of 65. (b) Staff members whose appointments took effect on or after November 1, 1990, and prior to January 1, 2014, shall not be retained in service beyond the age of 62. (c) Staff members whose appointment took effect on or after November 1, 1977, and prior to November 1, 1990, shall not be retained in service beyond the age of 60.	(a) Staff members whose appointments took effect on or after January 1, 2014, shall not be retained in service beyond the age of 65. (b) Staff members whose appointments took effect on or after November 1, 1990, and prior to January 1, 2014, shall not be retained in service beyond the age of 62. (c) Staff members whose appointment took effect on or after November 1, 1977, and prior to November 1, 1990, shall not be retained in service beyond the age of 60.	To raise the mandatory age of separation for staff recruited before January 1, 2014, to 65 years with effect from January 1, 2020, as decided by the WIPO Coordination Committee at its Seventy-Fourth (48 th Ordinary Session) (see WO/CC/74/8). See also new paragraphs (k) and (l) in Regulation 12.5 on "Transitional Measures."

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	<p>(d) The Director General may authorize, in exceptional cases, extensions of these age limits if he or she considers it to be in the interests of the Organization.</p> <p>(e) Retirement shall not be regarded as termination within the meaning of Regulations 9.2 and 9.4.</p>	<p>(d) The Director General may authorize, in exceptional cases, extensions of this age limit these age limits if he or she considers it to be in the interests of the Organization.</p> <p>(b) (e) Retirement shall not be regarded as termination within the meaning of Regulations 9.2 and 9.4.</p>	
<p>Regulation 12.5</p> <p>Transitional Measures</p>	<p>(a) [Deleted]</p> <p>(b) [Deleted]</p> <p>(c) [Deleted]</p> <p>(d) The International Bureau may offer a cash payment to settle any claims [...].</p> <p>(e) For staff members holding permanent appointments with the International Bureau, [...].</p> <p>(f) [Deleted]</p> <p>(g) [Deleted]</p> <p>(h) Notwithstanding Regulation 3.14(a), [...].</p> <p>(i) Notwithstanding Regulation 9.9(a), [...].</p> <p>(j) Notwithstanding Regulation 9.9, [...].</p> <p>(k) Staff members in the Professional and higher categories whose salary levels were higher [...].</p> <p>(l) Staff members in receipt of the dependency rate of salary in respect of a dependent child as at December 31, 2016, [...].</p> <p>(m) Staff members in receipt of the mobility allowance as at December 31, 2016, [...].</p> <p>(n) Staff members who moved before January 1, 2017, and who chose the option of non-removal [...].</p>	<p><u>Settlement of Claims</u></p> <p>(a) [Deleted]</p> <p>(b) [Deleted]</p> <p>(c) [Deleted]</p> <p>(d) [Deleted]</p> <p>(e) [Deleted]</p> <p>(f) [Deleted]—The International Bureau may offer a cash payment to settle any claims [...].</p> <p><u>Permanent Appointments</u></p> <p>(b) (e) For staff members holding permanent appointments with the International Bureau, [...].</p> <p>(f) [Deleted]</p> <p>(g) [Deleted]</p> <p><u>Education Grant</u></p> <p>(c) (h) Notwithstanding Regulation 3.14(a), [...].</p> <p>(d) (e) Notwithstanding Regulation 3.14(b), [...].</p> <p><u>Repatriation Grant</u></p> <p>(e) (j) Notwithstanding Regulation 9.9(a), [...].</p> <p>(f) (j) Notwithstanding Regulation 9.9, [...].</p>	<p>It is proposed to add sub-headings within Regulation 12.5 to facilitate reading, given that the provision covers a variety of subjects.</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
	<p>(o) Notwithstanding Regulation 3.14(b), [...].</p>	<p><u>Unified Salary Scale</u></p> <p>(g) (k) Staff members in the Professional and higher categories whose salary levels were higher [...].</p> <p><u>Child Dependency</u></p> <p>(h) (h) Staff members in receipt of the dependency rate of salary in respect of a dependent child as at December 31, 2016, [...].</p> <p><u>Relocation-related Entitlements</u></p> <p>(i) (m) Staff members in receipt of the mobility allowance as at December 31, 2016, [...].</p> <p>(j) (n) Staff members who moved before January 1, 2017, and who chose the option of non-removal [...].</p> <p><u>Age Limit for Retirement</u></p> <p><u>(k) Staff members whose appointments took effect before November 1, 1990 have an acquired right to retire at the age of 60. Staff members whose appointments took effect on or after November 1, 1990 but before January 1, 2014 have an acquired right to retire at the age of 62. These staff members may choose to separate from service at the age of 60 or 62 (as applicable), or anytime thereafter, before the age of 65. Staff members who wish to exercise their acquired right to separate from service at the age of 60 or 62 (as applicable) or anytime thereafter before the age of 65 shall give written notice of three months if holding a permanent or continuing appointment, or 30 calendar days if holding a fixed-term appointment. The Director General may, however, accept a shorter notice period.</u></p> <p><u>(l) The mandatory age of separation of a staff member whose appointment took effect before January 1, 2014 and who reached the age of 60 or</u></p>	<p>New para. (k): To preserve the acquired right to retire at 60 or 62 for staff members who entered into service before November 1, 1990, or January 1, 2014, respectively (see proposed amendment to Regulation 9.10).</p> <p>New para. (l): To clarify that staff members who reached the mandatory age of separation of 60 or 62 before January 1, 2020 (including those who are</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
		<p><u>62 (as applicable) before January 1, 2020 shall not be increased to 65, including if that staff member is exceptionally retained in service beyond the mandatory age of separation of 60 or 62 (as applicable) beyond 1 January 2020.</u></p>	<p>exceptionally retained in service beyond this age after January 1, 2020) shall not have their mandatory retirement age increased to 65.</p>

[Annex II follows]

AMENDMENTS TO STAFF RULES TO BE EFFECTIVE AS FROM JANUARY 1, 2020

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<p>New Rule 3.19.1 Staff Assessment Rates</p>		<p>(a) For staff members in the Professional and higher categories, the staff assessment rates used in conjunction with gross salaries, excluding post adjustment, shall be as follows:</p> <table border="1" data-bbox="965 448 1550 660"> <thead> <tr> <th>Assessable Annual Amounts (in US dollars)</th> <th>(per cent)</th> </tr> </thead> <tbody> <tr> <td>first \$ 50,000</td> <td>17</td> </tr> <tr> <td>next \$ 50,000</td> <td>24</td> </tr> <tr> <td>next \$ 50,000</td> <td>30</td> </tr> <tr> <td>remaining assessable amounts</td> <td>34</td> </tr> </tbody> </table> <p>(b) For staff members in the General Service and National Professional Officer categories, the staff assessment rates for gross salary purposes shall be as follows:</p> <table border="1" data-bbox="965 826 1550 1075"> <thead> <tr> <th>Assessable Annual Amounts (in US dollars)</th> <th>(per cent)</th> </tr> </thead> <tbody> <tr> <td>up to \$20,000 per year</td> <td>19</td> </tr> <tr> <td>\$20,001 to \$40,000 per year</td> <td>23</td> </tr> <tr> <td>\$40,001 to \$60,000 per year</td> <td>26</td> </tr> <tr> <td>\$60,001 to \$80,000 per year</td> <td>28</td> </tr> <tr> <td>\$80,001 and above per year</td> <td>29</td> </tr> </tbody> </table> <p>(c) For all staff members, the staff assessment rates for purposes of pensionable remuneration shall be as follows:</p> <table border="1" data-bbox="965 1214 1550 1426"> <thead> <tr> <th>Assessable Annual Amounts (in US dollars)</th> <th>(per cent)</th> </tr> </thead> <tbody> <tr> <td>up to \$20,000 per year</td> <td>19</td> </tr> <tr> <td>\$20,001 to \$40,000 per year</td> <td>23</td> </tr> <tr> <td>\$40,001 to \$60,000 per year</td> <td>26</td> </tr> <tr> <td>\$60,001 to \$80,000 per year</td> <td>28</td> </tr> </tbody> </table>	Assessable Annual Amounts (in US dollars)	(per cent)	first \$ 50,000	17	next \$ 50,000	24	next \$ 50,000	30	remaining assessable amounts	34	Assessable Annual Amounts (in US dollars)	(per cent)	up to \$20,000 per year	19	\$20,001 to \$40,000 per year	23	\$40,001 to \$60,000 per year	26	\$60,001 to \$80,000 per year	28	\$80,001 and above per year	29	Assessable Annual Amounts (in US dollars)	(per cent)	up to \$20,000 per year	19	\$20,001 to \$40,000 per year	23	\$40,001 to \$60,000 per year	26	\$60,001 to \$80,000 per year	28	<p>See Annex I on the proposed amendment to Regulation 3.19.</p> <p>The new Rule reflects the new staff assessment rates applicable in the United Nations common system since January 1, 2019 to (i) all categories of staff for purposes of pensionable remuneration, and to (ii) staff in the General Service and National Professional Officer categories for purposes of gross salaries.</p>
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Provision	Current Text	New Text	Purpose/Description of amendment
		<p>\$80,001 and above per year 29</p>	
<p>Staff Rule 11.3.1 Means of Informal Conflict Resolution</p>	<p>(a) A staff member who wishes to resolve any of the matters referred to in Regulation 11.3 by way of informal conflict resolution may seek the assistance of the following:</p> <ul style="list-style-type: none"> (1) the Office of the Ombudsperson; (2) HRMD or a higher level supervisor; (3) any other informal conflict resolution mechanism established by the Director General. <p>(b) There shall be no formal record of any of the informal processes referred to above.</p> <p>(c) The Director General may establish by Office Instruction measures to support a respectful and harmonious workplace.</p>	<p>(a)—A staff member who wishes to resolve any of the matters referred to in Regulation 11.3 by way of informal conflict resolution may seek the assistance of the following:</p> <ul style="list-style-type: none"> (1) the Office of the Ombudsperson; (2) HRMD or a higher level supervisor; (3) any other available informal conflict resolution mechanism established by the Director General. <p>(b)—There shall be no formal record of any of the informal processes referred to above.</p> <p>(c)—The Director General may establish by Office Instruction measures to support a respectful and harmonious workplace.</p>	<p>Para. (a)(3): To reflect that informal conflict resolution can be pursued through mechanisms not necessarily established by the Director General.</p> <p>Para. (b): Provision deleted to allow the keeping of formal records as and when necessary, and avoid inconsistency with a provision of the Chief Executives Board for Coordination’s (CEB) Model Policy on Sexual Harassment, which provides that in case of informal report of sexual harassment and request for managerial intervention, “The intervention may allow for the matter to be addressed promptly at the managerial level. A record will be maintained consistent with and as specified in the entity’s policy about the matter and any managerial intervention taken.” (Section IV, para. 3). Notwithstanding the deletion of this provision, the Office of the Ombudsperson will continue to act as an off-the-record resource for informal conflict resolution in accordance with its mandate.</p> <p>Para. (c): Provision deleted as unnecessary.</p>

[End of Annex II and document]