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AMENDMENTS TO STAFF REGULATIONS AND RULES

Document prepared by the Director General

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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 are provided in Annex I. The main amendments are explained below.

Regulation 4.17 – Fixed-Term Appointments

4. It is proposed to include a new paragraph, which will provide expressly for the possibility of granting fixed-term appointments with an overall term of limited duration, other than for approved projects and under funds-in-trust agreements. This is already the case in practice for a few specific posts, notably the post of Director of the Internal Oversight Division and the post of Chief Ethics Officer.

Regulation 9.8 – Termination Indemnity

5. It is proposed to amend sub-paragraph (a)(3) of this Regulation in order to allow the payment of a termination indemnity to staff members who have not yet reached the mandatory age of separation of 65, but who have reached their normal retirement age of either 60 or 62, as the case may be.

6. It is also proposed to amend sub-paragraph (a)(6) of this Regulation in order to allow WIPO to conclude a termination agreement entailing the payment of a lower termination indemnity than that provided for under Staff Regulation 9.8(a)(1), if this is considered to be in the interest of WIPO and the staff member agrees.

Regulation 10.1 – Disciplinary Measures (to be renamed “Misconduct”)

7. It is proposed to amend this Regulation in order to expressly state that WIPO has the right to recover from a staff member financial losses suffered by the Organization as a direct result of the staff member’s misconduct.

Regulation 12.5 – Transitional Measures

8. It is proposed to amend paragraph (k) (“Age Limit for Retirement”) of this Regulation, in order to increase the notice period for staff who wish to exercise their acquired right to retire before the age of 65. The notice period would be six months, instead of three currently, for holders of a permanent or continuing appointment, and three months, instead of 30 days, for holders of a fixed-term appointment. This is to facilitate succession planning.

Other Amendments

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

Regulation 3.23 – Beneficiaries

- Regulation 4.14 – Inter-Agency Movements
Regulation 11.6 – Litigious Appeal

III. AMENDMENTS TO STAFF RULES (FOR NOTIFICATION)

10. The amendments to the Staff Rules are provided in Annexes II (amendments implemented since August 1, 2019)¹ and III (amendments to be implemented). The main amendments are explained below.

Rule 6.2.3 – Maternity Leave

11. Various changes were made to this Rule with effect from June 15, 2021. Notably, the requirement to submit a medical certificate if the staff member wishes to work during the period of six to two weeks preceding the expected date of delivery was removed. The prohibition to work during 10 weeks after delivery was also removed, thus allowing the staff member to return to work earlier if she wishes.² This gives staff more flexibility to choose how to use the maternity leave entitlement, as is the case with paternity and adoption leave, in support of gender equality. In addition, some editorial changes were made to ensure uniformity of language with the provisions on paternity leave and adoption leave, and avoid language that may contribute to negative perceptions about maternity and maternity leave. The changes also emphasize that maternity leave is an entitlement, as is the case for paternity and adoption leave.

Rule 6.2.4 – Paternity Leave

Rule 6.2.7 – Health Protection and Insurance for Temporary Staff Members

12. These Rules were amended with effect from June 15, 2021, to increase the duration of paternity leave from four weeks to eight weeks, for eligible staff. This provides new fathers an additional period of leave to bond with, and care for, their newborn child. The amendment also brought the duration of paternity leave into alignment with that of adoption leave. By granting the same parental leave entitlement to non-gestational parents, regardless of gender or how they have become parents, this amendment contributes to the promotion of gender equality and inclusiveness.

Rule 7.3.6 – Removal Expenses

Rule 7.3.7 – Excess Baggage and Unaccompanied Shipment

Rule 7.3.13 – Travel-Related Entitlements for Temporary Staff Members

13. These Rules were amended with effect from August 1, 2019, to allow the payment of a lump-sum amount (“relocation lump sum”) as an option in lieu of removal expenses or unaccompanied shipment to staff members holding a fixed-term, continuing or permanent appointment, and to replace the organization-assisted shipment with a lump-sum amount for temporary staff members.

14. The relocation lump sum allows staff members to organize their relocation themselves in a way that best suit their needs, without any other assistance from WIPO.

¹ The amendments implemented on August 1, 2019, and January 1, 2021, had been previously included in document WO/CC/78/1 for consideration by the Coordination Committee at its Seventy-Eighth Session. However, the document had been withdrawn before the Session, at the request of the Coordination Committee.

² Subject, however, to six weeks of compulsory post-delivery leave, in line with Article 4(4) of ILO Convention No. 183. This is specified in the Office Instruction governing maternity leave.

Rule 10.1.1 – Disciplinary Measures

15. The Rule was amended with effect from January 1, 2021, to introduce various changes. Notably, the range of disciplinary measures was expanded by including the option of imposing a fine, in order to give more flexibility in tailoring the sanction to the specific case at hand. For example, there may be circumstances where the long-term financial impact of a demotion or a relegation to a lower step would be disproportionate to the misconduct, in which case the option of a one-off fine would be more appropriate. In addition, the provision was amended to allow the coupling of the measure of demotion with a deferment, for a specified period, of eligibility for consideration for promotion. This is to ensure that a promotion does not undo the effects of a demotion. Finally, the possibility of giving a written or oral warning, as a non-disciplinary measure, was introduced, after the staff member concerned has been provided with the opportunity to comment on the relevant facts and circumstances.

Rule 10.1.2 – [Disciplinary] Procedure

16. The current timeframes for a staff member to respond to charges of misconduct and serious misconduct are considered too short by staff. The amendments to Rule 10.1.2 will address that concern, by increasing the timeframes from seven to 14 calendar days where, in the opinion of the Director of the Human Resources Management Department (the charging authority), the alleged misconduct could amount to serious misconduct, and from 14 to 30 calendar days in all other cases.

Rule 11.4.1 – Administrative Resolution of Workplace-Related Conflicts and Grievances

17. Currently, a staff member who believes that he or she has been subjected to discrimination and/or harassment may submit a complaint to the Director General, who will decide whether to refer the matter to the Internal Oversight Division (IOD) for an investigation. The amendments to Staff Rule 11.4.1 aim to ensure that all allegations of misconduct, including allegations of discrimination and/or harassment, are referred to IOD (with the exception of allegations of retaliation, which will remain with the Ethics Office). The amendments are consistent with a recommendation of the Joint Inspection Unit that all investigations and related activities (namely intake, preliminary assessment and the decision to open an investigation) be consolidated, irrespective of the type of misconduct, in the internal oversight office of each organization.³

Other Amendments

18. Other amendments, which are less substantive in nature or merely editorial were also made, or will be made, to the following Rules, as detailed in Annexes II and III:

Rule 1.3.2	–	Working Time
Rule 1.3.3	–	Authorized Absences
Rule 3.10.1	–	Language Allowance
Rule 4.20.1	–	Performance Appraisal of Staff Members on Fixed-Term, Continuing and Permanent Appointments
Rule 4.20.2	–	Performance Appraisal of Temporary Staff Members
Rule 5.1.1	–	Annual Leave
Rule 10.1.4	–	Serious Misconduct
Rule 10.1.5	–	Appeal
Rule 11.4.2	–	Administrative Resolution of Rebuttal of Performance Appraisals

³ See recommendation 3 of JIU/REP/2020/1, "Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function", available at https://www.unju.org/sites/www.unju.org/files/jiu_rep_2020_1_english_0.pdf.

- Rule 11.4.3 – Administrative Resolution of Requests for Review of Other Administrative Decisions
- Rule 11.4.4 – Extension of Time Limits
- Rule 11.5.2 – Filing of an Appeal
- Rule 11.5.3 – Procedure before the Appeal Board
- Rule 11.6.1 – Administrative Tribunal
- Rule 12.3.1 – Gender of Terms
- Annex III – Selection Procedures for Temporary Appointments

19. *The WIPO Coordination Committee is invited:*

(i) to approve the amendments to the Staff Regulations as provided in Annex I, document WO/CC/80/3; and

(ii) to note the amendments to the Staff Rules as provided in Annexes II and III, document WO/CC/80/3.

[Annexes follow]

PROPOSED AMENDMENTS TO STAFF REGULATIONS

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
<p>Regulation 3.23 Beneficiaries</p>	<p>(a) In the event of the death of a staff member, all amounts remaining due to him or her shall, unless otherwise provided in the Staff Regulations and Rules and subject to the regulations of the WIPO Pension Fund and the United Nations Joint Staff Pension Fund, be paid to the beneficiaries designated by him or her on a form and in accordance with a procedure prescribed by the Director General. Such payment shall release the International Bureau from all further liability for any amounts so paid.</p> <p>[...]</p>	<p>(a) In the event of the death of a staff member, all amounts remaining due to him or her shall, unless otherwise provided in the Staff Regulations and Rules and subject to the regulations of the WIPO Pension Fund and the United Nations Joint Staff Pension Fund, be paid to the beneficiaries designated by him or her on a form and in accordance with a procedure prescribed by the Director General. Such payment shall release the International Bureau from all further liability for any amounts so paid.</p> <p>[...]</p>	<p>It is proposed to remove the outdated reference to the WIPO Pension Fund, as there are no active WIPO staff members in this Fund. Accordingly, no amounts may be paid to a staff member's beneficiaries under the regulations of the WIPO Pension Fund.</p>
<p>Regulation 4.14 Inter-agency Movements</p>	<p>[...]</p> <p>(c) In the case of a transfer from an organization applying the United Nations common system of salaries and allowances, the length of service of the staff member with the releasing organization shall be taken into account when considering the eligibility for a permanent appointment as referred to under Regulation 4.19 or when considering the eligibility prescribed by the Director General for a continuing appointment pursuant to Regulation 4.18, in line with the policy of the International Bureau, which shall be prescribed by an Office Instruction.</p> <p>[...]</p>	<p>[...]</p> <p>(c) In the case of a transfer from an organization applying the United Nations common system of salaries and allowances, the length of service of the staff member with the releasing organization shall be taken into account when considering the eligibility for a permanent appointment as referred to under Regulation 4.19 or when considering the eligibility prescribed by the Director General for a continuing appointment pursuant to Regulation 4.18, in line with the policy of the International Bureau, which shall be prescribed by an Office Instruction.</p> <p>[...]</p>	<p>It is proposed to remove the incorrect reference to permanent appointments, as staff members who are transferred to WIPO from another organization of the United Nations common system are not eligible for a permanent appointment at WIPO, only for a continuing appointment.</p>
<p>Regulation 4.17 Fixed-Term Appointments</p>	<p>(a) A fixed-term appointment may be granted for a period of normally not less than one year, but not more than five years at a time. A fixed-term appointment may be renewed for any period up to five years at a time.</p> <p>(b) Any initial fixed-term appointment of one year or more shall be subject to a period of probation, which shall be at least of one year and may be extended up to two years, when necessary, for adequate</p>	<p>(a) A fixed-term appointment may be granted for a period of normally not less than one year, but not more than five years at a time. A fixed-term appointment may be renewed for any period up to five years at a time.</p> <p>(b) Any initial fixed-term appointment of one year or more shall be subject to a period of probation, which shall be at least of one year and may be extended up to two years, when necessary, for adequate</p>	<p>It is proposed to include new paragraph (d) to provide expressly for the possibility of granting fixed-term appointments with an overall term of limited duration, other than for approved projects and under funds-in-trust agreements. This is already the case in practice for a few specific posts, notably the post of Director of the Internal Oversight Division and the post of Chief Ethics Officer.</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
	<p>evaluation of the staff member's suitability as an international civil servant with respect to his or her qualifications, performance and conduct.</p> <p>(c) Fixed-term appointments granted to Deputy Directors General and Assistant Directors General under Regulation 4.15(c) shall be for a period whose length shall be fixed by the Director General with the approval of the Coordination Committee. Any such appointment may be extended for periods whose lengths shall be fixed by the Director General with the approval of the Coordination Committee.</p> <p>(d) Fixed-term appointments under funds-in-trust agreements shall be for a period whose minimum and maximum duration (not exceeding three years) are set under the terms of the relevant funds-in-trust agreements or co-operation arrangements between the International Bureau and national and regional intellectual property offices.</p> <p>(e) Fixed-term appointments granted for approved projects shall be for a period whose minimum and maximum duration are tied to the funding and terms of reference of the project. The overall duration of a fixed-term appointment for a project shall normally not exceed five years. Fixed-term appointments granted for approved projects shall not be converted to a permanent or continuing appointment. During their service, the holders of such appointments may apply for any vacancies at the International Bureau as external candidates.</p> <p>(f) A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service.</p>	<p>evaluation of the staff member's suitability as an international civil servant with respect to his or her qualifications, performance and conduct.</p> <p>(c) Fixed-term appointments granted to Deputy Directors General and Assistant Directors General under Regulation 4.15(c) shall be for a period whose length shall be fixed by the Director General with the approval of the Coordination Committee. Any such appointment may be extended for periods whose lengths shall be fixed by the Director General with the approval of the Coordination Committee.</p> <p><u>(d) Fixed-term appointments for specific posts designated by the Director General may be granted for an overall term of limited duration with no possibility of renewal beyond that term and no possibility of conversion to a continuing appointment.</u></p> <p><u>(e) (d)</u> Fixed-term appointments under funds-in-trust agreements shall be for a period whose minimum and maximum duration (not exceeding three years) are set under the terms of the relevant funds-in-trust agreements or co-operation arrangements between the International Bureau and national and regional intellectual property offices.</p> <p><u>(f) (e)</u> Fixed-term appointments granted for approved projects shall be for a period whose minimum and maximum duration are tied to the funding and terms of reference of the project. The overall duration of a fixed-term appointment for a project shall normally not exceed five years. Fixed-term appointments granted for approved projects shall not be converted to a permanent or continuing appointment. During their service, the holders of such appointments may apply</p>	

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
		<p>for any vacancies at the International Bureau as external candidates.</p> <p>(g) (f) A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service.</p>	
<p>Regulation 9.8</p> <p>Termination Indemnity</p>	<p>(a) Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:</p> <p>[...]</p> <p>(3) No indemnity shall be paid to:</p> <p>[...]</p> <p>(v) a staff member who is retiring.</p> <p>[...]</p> <p>(6) The Director General may, where he or she determines it is justified by the circumstances, pay to a staff member whose appointment is terminated under subparagraphs (a)(5) and (a)(6)(ii) of Regulation 9.2 a termination indemnity not more than 50 per cent higher than that provided for in subparagraph (1) above.</p>	<p>(a) Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:</p> <p>[...]</p> <p>(3) No indemnity shall be paid to:</p> <p>[...]</p> <p>(v) a staff member who is retiring has reached the maximum age limit for service in the International Bureau.</p> <p>[...]</p> <p>(6) The Director General may, where he or she determines it is justified by the circumstances, pay to a staff member whose appointment is terminated under subparagraphs (a)(5) and (a)(6)(ii) of Regulation 9.2 a termination indemnity not more than 50 per cent higher than that provided for in subparagraph (1) above. <u>The Director General may also pay to a staff member whose appointment is terminated under subparagraph (a)(5) of Regulation 9.2 a termination indemnity lower than that provided for in subparagraph (1) above, subject to the agreement of the staff member concerned.</u></p>	<p>The proposed amendment to Staff Regulation 9.8(a)(3)(v) would allow the payment of a termination indemnity to staff members who have not yet reached the mandatory age of separation of 65, but who have reached their normal retirement age of either 60 or 62, as the case may be.</p> <p>The proposed amendment to Staff Regulation 9.8(a)(6) would allow WIPO to conclude a termination agreement entailing the payment of a lower termination indemnity than that provided for under Staff Regulation 9.8(a)(1), if this is considered to be in the interest of WIPO and the staff member agrees.</p>
<p>Regulation 10.1</p> <p>Disciplinary Measures</p> <p>Misconduct</p>	<p>(a) A staff member's failure to observe the Staff Regulations and Rules, the standards of conduct required of an international civil servant or any other obligation of staff members of the International Bureau may amount to misconduct and he or she may be subject to disciplinary measures.</p> <p>[...]</p>	<p>(a) A staff member's failure to observe the Staff Regulations and Rules, the standards of conduct required of an international civil servant or any other obligation of staff members of the International Bureau may amount to misconduct and he or she may be subject to disciplinary measures.</p> <p>[...]</p> <p><u>(d) A staff member who has engaged in misconduct may be required to reimburse the</u></p>	<p>Title of Regulation: It is proposed to change the title of the Regulation from "Disciplinary measures" to "Misconduct", which more appropriately reflects the subject matter of the Regulation.</p> <p>New paragraph (d): Staff Rule 10.1.1(b)(1) only provides, in general terms, that the "[r]ecovery of monies owed to the Organization" is an administrative, and not a disciplinary, measure. It is proposed to add a new paragraph (d) in Staff Regulation 10.1, so that there can be no doubt that</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
		<u>Organization for any financial losses suffered by it as a direct result of the misconduct.</u>	WIPO has the right to recover from a staff member financial losses suffered by the Organization as a direct result of the staff member's misconduct.
Regulation 11.6 Litigious Appeal	After having exhausted all means available to him or her under Regulation 11.5, a staff member shall have the right to appeal to the Administrative Tribunal of the International Labour Organization ("Tribunal") in accordance with the conditions set forth in the Statute of that Tribunal.	After having exhausted all means available to him or her under Regulation 11.5, a staff member, <u>a former staff member or a duly qualified beneficiary to the rights of a deceased staff member</u> , shall have the right to appeal to the Administrative Tribunal of the International Labour Organization ("Tribunal") in accordance with the conditions set forth in the Statute of that Tribunal <u>and in the agreement concluded between it and WIPO.</u>	It is proposed to include in the Regulation certain provisions on litigious appeals that are currently contained in Staff Rule 11.6.1(a). Staff Rule 11.6.1(a) will in turn be deleted to avoid duplication (see Annex III below).
Regulation 12.5 Transitional Measures	Age Limit for Retirement (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.	Age Limit for Retirement (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 six three 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.	For succession planning purposes, it is proposed to increase the notice period for staff who wish to exercise their acquired right to retire before the age of 65.

[Annex II follows]

AMENDMENTS TO STAFF RULES IMPLEMENTED SINCE AUGUST 1, 2019

Provision	Current Text	New Text	Purpose/Description of amendment
<p>Rule 3.10.1</p> <p>Language Allowance</p>	<p>(a) A pensionable language allowance may be paid to staff members in the General Service category who pass an examination organized by the Director General and who demonstrate proficiency in one or two of the following languages: Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian, and Spanish. Notwithstanding the foregoing, the allowance shall not be payable for the staff member's mother tongue nor for any language in which the Director General determines the staff member is required to be fully proficient by the terms of his or her appointment.</p> <p>[...]</p>	<p>(a) A pensionable language allowance may be paid to staff members in the General Service category who pass an examination recognized organized by the Director General and who demonstrate proficiency in one or two of the following languages: Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian, and Spanish. Notwithstanding the foregoing, the allowance shall not be payable for the staff member's mother tongue nor for any language in which the Director General determines the staff member is required to be fully proficient by the terms of his or her appointment.</p> <p>[...]</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>To clarify that the language examinations are not actually "organized" by the Director General. As proof of language proficiency, WIPO accepts the United Nations Language Proficiency Examination certificate, as well as certificates delivered by accredited institutions. This amendment followed an internal audit recommendation (see Internal Audit Report IA 2019-04).</p>
<p>Rule 4.20.1</p> <p>Performance Appraisal of Staff Members on Fixed-term, Continuing and Permanent Appointments</p>	<p>[...]</p> <p>(c) This Rule shall not apply to staff members on initial fixed-term appointments while they are on probation, in accordance with Regulation 4.17(b). It shall also not apply to temporary staff members, with the exception of those who were granted temporary appointments before January 1, 2013.</p>	<p>[...]</p> <p>(c) This Rule shall not apply to staff members on initial fixed-term appointments while they are on probation, in accordance with Regulation 4.17(b). It shall also not apply to temporary staff members, with the exception of those who were granted temporary appointments before January 1, 2013.</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>Provision deleted as there were no more temporary staff members who were granted this type of appointment before January 1, 2013.</p>
<p>Rule 4.20.2</p> <p>Performance Appraisal of Temporary Staff Members</p>	<p>(a) Temporary staff members who were granted temporary appointments on or after January 1, 2013, shall be evaluated through the performance appraisal mechanisms established for staff members on temporary appointments. Temporary staff members who were granted temporary appointments before January 1, 2013, shall be evaluated through the performance appraisal mechanisms established under Rule 4.20.1 entitled "Performance of Staff Members."</p> <p>(b) A temporary staff member who was granted a temporary appointment on or after January 1, 2013, may request the preparation of a performance evaluation in anticipation of contract completion. In the event that an extension of contract is being</p>	<p>(a) Temporary staff members who were granted temporary appointments on or after January 1, 2013, shall be evaluated through the performance appraisal mechanisms established for staff members on temporary appointments. Temporary staff members who were granted temporary appointments before January 1, 2013, shall be evaluated through the performance appraisal mechanisms established under Rule 4.20.1 entitled "Performance of Staff Members."</p> <p>(b) A temporary staff member who was granted a temporary appointment on or after January 1, 2013, may request the preparation of a performance evaluation in anticipation of contract completion. In the event that an extension of contract is being</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>Paragraphs (a) and (b): Provisions deleted as there were no more temporary staff members who were granted this type of appointment before January 1, 2013.</p> <p>Paragraph (b), last sentence: Provision deleted as redundant with paragraph (a).</p>

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>considered by the International Bureau, and in the process of deciding whether to extend that contract, a performance evaluation shall be undertaken in a performance evaluation mechanism established for temporary staff members.</p> <p>[...]</p>	<p>considered by the International Bureau, and in the process of deciding whether to extend that contract, a performance evaluation shall be undertaken in a performance evaluation mechanism established for temporary staff members.</p> <p>[...]</p>	
<p>Rule 5.1.1</p> <p>Annual Leave</p>	<p>[...]</p> <p>(c) Since the purpose of annual leave is to provide a period of rest each year, not more than 15 days of annual leave accrued in a given year shall normally be carried forward to the next calendar year.</p> <p>[...]</p> <p>(e) Annual leave may be accumulated, provided that not more than 60 days of such leave shall be carried forward from one calendar year to the next. Accumulated annual leave in excess of 60 days shall be forfeited on January 1 of each calendar year.</p> <p>[...]</p>	<p>[...]</p> <p>(c) Since the purpose of annual leave is to provide a period of rest each year, not more than 15 days of annual leave accrued in a given year shall normally be carried forward to the next calendar year. <u>Notwithstanding the foregoing, up to 20 days of annual leave accrued in 2020 may be carried forward to 2021.</u></p> <p>[...]</p> <p>(e) Annual leave may be accumulated, provided that not more than 60 days of such leave shall be carried forward from one calendar year to the next. <u>Notwithstanding the foregoing, those staff members who accumulated more than 60 days of annual leave prior to January 1, 2021, shall be entitled to retain up to 80 days until December 31, 2021. Following this date, accumulated annual leave in excess of 60 days shall be forfeited on January 1 of each calendar year.</u></p> <p>[...]</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>In view of the exceptional situation arising from the COVID-19 pandemic in 2020, the following temporary measures were implemented:</p> <ul style="list-style-type: none"> - Up to 20 days of annual leave accrued in 2020 could be carried forward to 2021 (instead of 15 days normally). - Up to 80 days of accumulated annual leave (instead of 60 days) could be carried forward from 2020 up to December 31, 2021.
<p>Rule 6.2.3</p> <p>Maternity Leave</p>	<p>(a) A staff member who must take maternity leave:</p> <p>(1) shall be entitled to absent herself from her duties no earlier than six weeks and no later than two weeks prior to the predicted date of delivery provided a medical certificate, stating the predicted date of delivery, is accepted by the medical adviser. Absence from duty shall not be</p>	<p>(a) A staff member who must take <u>shall be entitled to maternity leave for a total period of 16 weeks as follows:</u></p> <p>(1) shall be entitled to absent herself from her duties <u>the pre-delivery leave shall commence</u> no earlier than six weeks and no later than two weeks prior to the expected predicted <u>date of delivery provided, subject to the submission of a medical certificate, stating indicating</u> the</p>	<p>Entry into force: June 15, 2021 (Information Circular No. 15/2021)</p> <p>Paragraph (a):</p> <ul style="list-style-type: none"> - The editorial changes aim at ensuring uniformity of language with the provisions on paternity leave and adoption leave, and at avoiding language that may contribute to negative perceptions about maternity and maternity leave

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>compulsory until two weeks prior to the predicted date of delivery; however, a staff member who wishes to work during the period of six to two weeks prior to the expected date of delivery shall submit a medical certificate stating that she is fit for duty;</p> <p>(2) shall not be authorized to work during the 10 weeks following the date of birth;</p> <p>(3) shall be entitled to maternity leave on full pay for the entire duration of her absence in accordance with subparagraphs (1) and (2) above, which period of maternity leave shall not be less than 16 weeks.</p> <p>(b) Any error on the part of the doctor or midwife as to the date of delivery shall not affect the staff member's entitlement to full pay up to the actual date of delivery.</p> <p>(c) Entitlement to annual leave shall accrue during the period of maternity leave provided that the staff member resumes her duties for a period of at least six months after the completion of the maternity leave.</p> <p>[...]</p>	<p>expected predicted date of delivery, is accepted by the medical advisor. Absence from duty shall not be compulsory until two weeks prior to the predicted date of delivery; however, a staff member who wishes to work during the period of six to two weeks prior to the expected date of delivery shall submit a medical certificate stating that she is fit for duty;</p> <p>(2) the staff member shall not be authorized required to work during the 10 weeks following the date of birth;</p> <p>(3) the staff member shall be entitled to maternity leave on with full pay for the entire duration of her absence in accordance with under subparagraphs (1) and (2) above, which period of maternity leave shall not be less than 16 weeks.</p> <p>(b) Any error on the part of the doctor or midwife as to difference between the expected and the actual date of delivery shall not affect the staff member's entitlement to full pay up to the actual date of delivery.</p> <p>(c) Entitlement to annual leave shall accrue during the period of maternity leave provided that the staff member resumes her duties for a period of at least six months after the completion of the maternity leave.</p> <p>[...]</p>	<p>(e.g., "a staff member who <i>must take</i> maternity leave"). The changes also emphasize that maternity leave is an entitlement, as is the case for paternity and adoption leave.</p> <ul style="list-style-type: none"> - Sub-paragraph (a)(1) was amended to remove the requirement to submit a medical certificate if the staff member wishes to work during the period of six to two weeks preceding the expected date of delivery. - Sub-paragraph (a)(2) was amended to remove the prohibition to work during 10 weeks after delivery, thus allowing the staff member to return to work earlier if she wishes (subject, however, to six weeks of compulsory post-delivery leave, in line with Article 4(4) of ILO Convention No. 183. This is specified in the Office Instruction governing maternity leave). This gives staff more flexibility to choose how to use the maternity leave entitlement, as is the case with paternity and adoption leave, in support of gender equality. <p>Paragraph (b) was amended to remove the reference to an "error" by the doctor or midwife. This reference was inappropriate given that the expected date of delivery is an estimation.</p> <p>Paragraph (c) was amended to enable annual leave to accrue during maternity leave regardless of the length of service after completion of the maternity leave. This ensures consistency with paternity leave and adoption leave.</p>
<p>Rule 6.2.4 Paternity Leave</p>	<p>(a) A staff member shall be entitled to paternity leave, subject to conditions prescribed by the Director General in an Office Instruction.</p> <p>(b) The leave shall be granted for a total period of up to four weeks. In exceptional circumstances as</p>	<p>(a) A staff member shall be entitled to paternity leave, subject to conditions prescribed by the Director General in an Office Instruction.</p> <p>(b) The leave shall be granted for a total period of up to eight four weeks. In exceptional circumstances as</p>	<p>Entry into force: June 15, 2021 (Information Circular No. 15/2021)</p> <p>This provision was amended to increase the duration of paternity leave from four to eight weeks, for eligible staff. This provides new fathers an additional period of leave to bond with, and care for, their new born child.</p>

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>determined by the Director General, leave shall be granted for a total period of up to eight weeks.</p> <p>[...]</p>	<p>determined by the Director General, leave shall be granted for a total period of up to eight weeks.</p> <p>[...]</p>	<p>The amendment also brought the duration of paternity leave into alignment with that of adoption leave. By granting the same parental leave entitlement to non-gestational parents, regardless of gender or how they have become parents, this amendment contributes to the promotion of gender equality and inclusiveness.</p>
<p>Rule 6.2.7</p> <p>Health Protection and Insurance for Temporary Staff Members</p>	<p>[...]</p> <p>(e) Rule 6.2.4, "Paternity Leave," shall apply to temporary staff members subject to the following: the entitlement to paternity leave shall consist of four weeks for temporary staff members with 12 months of continuous service. The entitlement shall apply on a pro rata basis after six months of continuous service.</p> <p>[...]</p>	<p>[...]</p> <p>(e) Rule 6.2.4, "Paternity Leave," shall apply to temporary staff members subject to the following: the entitlement to paternity leave shall consist of eight four weeks for temporary staff members with 12 months of continuous service. The entitlement shall apply on a pro rata basis after six months of continuous service.</p> <p>[...]</p>	<p>Entry into force: June 15, 2021 (Information Circular No. 15/2021)</p> <p>Same as above.</p>
<p>Rule 7.3.6</p> <p>Removal Expenses</p>	<p>[...]</p>	<p>[...]</p> <p><u>(e) A lump-sum amount may be paid in lieu of removal expenses under conditions prescribed by the Director General in an Office Instruction.</u></p>	<p>Entry into force: August 1, 2019 (Information Circular No. 18/2019)</p> <p>To allow the payment of a lump-sum amount ("relocation lump sum") in lieu of removal expenses to staff members holding a fixed-term, continuing or permanent appointment.</p> <p>The relocation lump sum allows staff members to organize their relocation themselves in a way that best suit their needs, without any other assistance from WIPO. The conditions for payment of the relocation lump sum are prescribed in an Office Instruction.</p>
<p>Rule 7.3.7</p> <p>Excess Baggage and Unaccompanied Shipment</p>	<p>[...]</p>	<p>[...]</p> <p><u>(i) A lump-sum amount may be paid in lieu of the unaccompanied shipment provided in paragraph (e), under conditions prescribed by the Director General in an Office Instruction.</u></p>	<p>Entry into force: August 1, 2019 (Information Circular No. 18/2019)</p> <p>To allow the payment of a lump-sum amount ("relocation lump sum") in lieu of an unaccompanied shipment to staff members holding a fixed-term, continuing or permanent appointment.</p>

Provision	Current Text	New Text	Purpose/Description of amendment
			<p>The relocation lump sum allows staff members to organize their relocation themselves in a way that best suit their needs, without any other assistance from WIPO. The conditions for payment of the relocation lump sum are prescribed in an Office Instruction.</p>
<p>Rule 7.3.13 Travel-Related Entitlements for Temporary Staff Members</p>	<p>Temporary staff members shall be eligible for the following travel-related entitlements:</p> <p>(a) Travel and Shipment Expenses</p> <p>(1) A temporary staff member with an appointment of less than 12 months and who is deemed to be internationally recruited shall be entitled to travel expenses for himself or herself only.</p> <p>(2) A temporary staff member with an appointment of at least 12 months and who is deemed to be internationally recruited shall be entitled to payment of travel and shipment expenses, for himself or herself, and for the spouse and dependent children upon initial appointment and final separation from service, provided that the staff member declares that his or her dependants intend to reside at least six months at the duty station. Rule 7.3.4(a) shall apply for the definition of dependants for the payment of travel expenses.</p> <p>(3) Upon the extension of an initial appointment of less than 12 months resulting in an uninterrupted period of service of at least 12 months, temporary staff members shall be entitled to payment of travel and shipment expenses for themselves and for their spouse and dependent children. However, a shipment shall not be authorized if the staff member is not expected to remain at the duty station for at least six months.</p>	<p>Temporary staff members shall be eligible for the following travel-related entitlements:</p> <p>(a) Travel and Shipment Expenses</p> <p>(1) A temporary staff member with an appointment of less than 12 months and who is deemed to be internationally recruited shall be entitled to travel expenses for himself or herself only.</p> <p>(2) A temporary staff member with an appointment of at least 12 months and who is deemed to be internationally recruited shall be entitled to payment of travel and shipment expenses, for himself or herself, and for the spouse and dependent children upon initial appointment and final separation from service, provided that the staff member declares that his or her dependants intend to reside at least six months at the duty station. Rule 7.3.4(a) shall apply for the definition of dependants for the payment of travel expenses.</p> <p>(3) Upon the extension of an initial appointment of less than 12 months resulting in an uninterrupted period of service of at least 12 months, temporary staff members shall be entitled to payment of travel and shipment expenses for themselves and for their spouse and dependent children as provided in subparagraph (2). However, a shipment shall not be authorized if the staff member is not expected to remain at the duty station for at least six months.</p>	<p>Entry into force: August 1, 2019 (Information Circular No. 18/2019)</p> <p>The main aim of these amendments was to replace the organization-assisted shipment with a lump-sum amount ("relocation lump sum"), which constitutes WIPO's contribution towards the relocation expenses of temporary staff members.</p> <p>The relocation lump sum allows staff members to organize their relocation themselves in a way that best suit their needs, without any other assistance from WIPO. The conditions for payment of the relocation lump sum are prescribed in an Office Instruction.</p>

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>(b) Official Travel of Dependants</p> <p>If a dependant leaves the duty station within six months of his or her arrival, and unless the Director General considers his or her departure as justified by exceptional circumstances, the amount of the travel expenses paid in favor of the dependants shall be deducted from the salary of the temporary staff member concerned.</p> <p>(c) Payment by the International Bureau of shipment expenses shall be subject to the following conditions:</p> <p>(1) the maximum which may be transported at the expense of the International Bureau shall be 1,000 kg, including packaging materials but excluding crating and lift vans, for staff members, plus an additional 500 kg for a spouse, and 375 kg for up to two additional dependent children, all of whom shall reside at the official duty station with the temporary staff member. In no case shall the weight exceed 2,250 kg;</p> <p>(2) temporary staff members shall be entitled to excess baggage pursuant to Rule 7.3.7. Temporary staff members shall not be entitled to unaccompanied shipment under the same Rule.</p> <p>(d) Loss of Entitlement to Return Travel</p> <p>(1) A staff member who abandons his or her position or resigns before completing the term of his or her temporary appointment shall not normally be entitled to payment of return travel expenses for him or herself or his or her</p>	<p>(b) Official Travel of Dependants</p> <p>If a dependant leaves the duty station within six months of his or her arrival, and unless the Director General considers his or her departure as justified by exceptional circumstances, the amount of the travel expenses paid in favor of the dependants shall be deducted from the salary of the temporary staff member concerned.</p> <p>(c) <u>Payment Towards Relocation Expenses</u> Payment by the International Bureau of shipment expenses shall be subject to the following conditions:</p> <p><u>The International Bureau shall provide a lump-sum payment towards the staff member's relocation expenses, subject to conditions prescribed by the Director General in an Office Instruction.</u></p> <p>(1) the maximum which may be transported at the expense of the International Bureau shall be 1,000 kg, including packaging materials but excluding crating and lift vans, for staff members, plus an additional 500 kg for a spouse, and 375 kg for up to two additional dependent children, all of whom shall reside at the official duty station with the temporary staff member. In no case shall the weight exceed 2,250 kg;</p> <p>(2) temporary staff members shall be entitled to excess baggage pursuant to Rule 7.3.7. Temporary staff members shall not be entitled to unaccompanied shipment under the same Rule.</p> <p>(d) Loss of Entitlement to Return Travel</p> <p>(1) A staff member who abandons his or her position or resigns before completing the term of his or her temporary appointment shall not normally be entitled to payment of return travel expenses for him or herself or his or her</p>	

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>dependents. The Director General may, however, authorize such payment if he or she determines that there are compelling reasons for so doing.</p> <p>(2) The International Bureau shall not pay return travel expenses if the travel is not undertaken within one year after the date of separation. Where both spouses are staff members and the spouse who separates first is entitled to return travel expenses, his or her entitlement shall not cease until one year after the date of separation of the other spouse.</p> <p>(e) Loss of Entitlement to Shipment Expenses</p> <p>(1) A staff member who abandons his or her position or resigns before completing the term of his or her temporary appointment shall not normally be entitled to payment of shipment expenses. Such costs already paid may be adjusted proportionately and recovered from the staff member.</p> <p>(2) The International Bureau shall not pay shipment expenses on separation from service if the shipment does not take place within one year after the date of separation. Where both spouses are staff members and the spouse who separates first is entitled to shipment expenses, his or her shipment entitlement shall not cease until one year after the date of separation of the other spouse.</p> <p>(f) Rule 7.3.8, "Reimbursement of Travel and Removal Expenses," shall apply mutatis mutandis to temporary staff members.</p> <p>(g) Rule 7.3.10, "Travel-Related Insurance," shall apply mutatis mutandis to temporary staff members.</p>	<p>dependents. The Director General may, however, authorize such payment if he or she determines that there are compelling reasons for so doing.</p> <p>(2) The International Bureau shall not pay return travel expenses if the travel is not undertaken within one year after the date of separation. Where both spouses are staff members and the spouse who separates first is entitled to return travel expenses, his or her entitlement shall not cease until one year after the date of separation of the other spouse.</p> <p>(e) Loss of Entitlement to Shipment Expenses</p> <p>(1) A staff member who abandons his or her position or resigns before completing the term of his or her temporary appointment shall not normally be entitled to payment of shipment expenses. Such costs already paid may be adjusted proportionately and recovered from the staff member.</p> <p>(2) The International Bureau shall not pay shipment expenses on separation from service if the shipment does not take place within one year after the date of separation. Where both spouses are staff members and the spouse who separates first is entitled to shipment expenses, his or her shipment entitlement shall not cease until one year after the date of separation of the other spouse.</p> <p>(e) (f) Rule 7.2.13 7.3.8, "Reimbursement of Travel and Removal Expenses," shall apply mutatis mutandis to temporary staff members.</p> <p>(g) Rule 7.3.10, "Travel-Related Insurance," shall apply mutatis mutandis to temporary staff members.</p>	

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>(h) Rule 7.3.11, "Illness or Accident during Travel," shall apply to temporary staff members.</p> <p>(i) Rule 7.3.12, "Transportation of Remains," shall apply to temporary staff members.</p>	<p>(f) (h) Rule 7.3.11, "Illness or Accident during Travel," shall apply to temporary staff members.</p> <p>(g) (i) Rule 7.3.12, "Transportation of Remains," shall apply to temporary staff members.</p>	
<p>Rule 10.1.1 Disciplinary Measures</p>	<p>(a) Disciplinary measures may take one or more of the following forms only:</p> <ol style="list-style-type: none"> (1) written reprimand; (2) delayed advancement, for a specified period of time, to the next salary step; (3) relegation to a lower salary step within the same grade; (4) demotion to a lower grade for a specified period of time; (5) dismissal; and (6) summary dismissal for serious misconduct. <p>(b) Measures other than those listed under Rule 10.1.1(a) shall not be considered to be disciplinary measures within the meaning of the present Rule. These include, but are not limited to, the following administrative measures:</p> <ol style="list-style-type: none"> (1) Recovery of monies owed to the Organization; (2) Temporary suspension from duty. 	<p>(a) Disciplinary measures may take one or more of the following forms only:</p> <ol style="list-style-type: none"> (1) written reprimand; <u>(2) fine;</u> (2) <u>(3)</u> delayed advancement, for a specified period of time, to the next salary step; (3) <u>(4)</u> relegation to a lower salary step within the same grade; (4) <u>(5)</u> demotion to a lower grade, <u>with deferment for a specified period, of eligibility for consideration for promotion for a specified period of time;</u> (5) <u>(6)</u> dismissal; and (6) <u>(7)</u> summary dismissal for serious misconduct <p>(b) Measures other than those listed under Rule 10.1.1(a) shall not be considered to be disciplinary measures within the meaning of the present Rule. These include, but are not limited to, the following administrative measures:</p> <ol style="list-style-type: none"> <u>(1) Written or oral warning;</u> (1) <u>(2)</u> Recovery of monies owed to the Organization; (2) <u>(3)</u> Temporary suspension from duty. 	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>Paragraph (a)(2): The range of disciplinary measures was expanded by including the option of imposing a fine, in order to give more flexibility in tailoring the sanction to the specific case at hand. For example, there may be circumstances where the long-term financial impact of a demotion or a relegation to a lower step would be disproportionate to the misconduct, in which case the option of a one-off fine would be more appropriate.</p> <p>Paragraph (a)(5): The disciplinary measure of demotion was previously referred to as a "demotion to a lower grade for a specified period of time".</p> <ul style="list-style-type: none"> - With the amendment, it is possible to couple the measure of demotion with a deferment, for a specified period, of eligibility for consideration for promotion, as is the case in other organizations of the United Nations common system. Such an expanded measure ensures that a promotion will not undo the effects of a demotion. - In addition, the measure of demotion, as previously drafted, required the Director General to decide on the specific duration of the demotion, which was a limitation on his or her discretion. Therefore, to allow for more flexibility, the temporal reference concerning the demotion itself was removed. This is in line with the relevant rules in other organizations of the United Nations common system.

Provision	Current Text	New Text	Purpose/Description of amendment
		<p><u>(c) A staff member shall be provided with the opportunity to comment on the facts and circumstances prior to the issuance of a written or oral warning pursuant to subparagraph (b)(1) above.</u></p>	<p>Paragraphs (b) and (c): To introduce the possibility of giving a written or oral warning, as a non-disciplinary measure, after the staff member concerned has been provided with the opportunity to comment on the relevant facts and circumstances. A similar provision exists in various organizations of the United Nations common system.</p>
<p>Rule 10.1.4 Serious Misconduct</p>	<p>For the purposes of Rule 10.1.1(a)(6), serious misconduct shall mean a serious and patent failure to observe the Staff Regulations and Rules and/or the standards of conduct required of an international civil servant, or any other obligation of staff members of the International Bureau such as an act of violence or a threat of violence by a staff member(s) against (an)other staff member(s), or theft or fraud.</p>	<p>For the purposes of Rule 10.1.1(a)(6)(7), serious misconduct shall mean a serious and patent failure to observe the Staff Regulations and Rules and/or the standards of conduct required of an international civil servant, or any other obligation of staff members of the International Bureau such as an act of violence or a threat of violence by a staff member(s) against (an)other staff member(s), or theft or fraud.</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>Editorial change to reflect the amendment to Staff Rule 10.1.1(a) above.</p>
<p>Rule 11.4.2 Administrative Resolution of Rebuttal of Performance Appraisals</p>	<p>[...]</p>	<p>[...]</p> <p><u>(c) The filing of a rebuttal of a performance appraisal shall not have the effect of suspending any administrative consequences and/or administrative decisions linked to the appraisal, unless the Director General decides otherwise.</u></p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>To reflect expressly, for the sake of clarity and transparency vis-à-vis staff, that the filing of a legal challenge of an administrative decision does not prevent or suspend the implementation of that decision (unless the Director General decides otherwise). At the level of the ILO Administrative Tribunal, this is made clear in Article VII, paragraph 4 of its Statute, which provides that “[t]he filing of a complaint shall not involve suspension of the execution of the decision impugned”. No similar express provision existed previously at the internal appeal level at WIPO, either in Staff Rules 11.4.2 and 11.4.3 or in the provisions under Staff Regulation 11.5, dealing with performance rebuttals, requests for review and internal appeals respectively.</p>
<p>Rule 11.4.3 Administrative Resolution of Requests for Review of Other</p>	<p>[...]</p>	<p>[...]</p> <p><u>(c) The filing of a request for review of an administrative decision shall not have the effect of suspending the implementation of the decision in question, unless the Director General decides otherwise.</u></p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>To reflect expressly, for the sake of clarity and transparency vis-à-vis staff, that the filing of a legal challenge of an administrative decision does not prevent or suspend the implementation of that</p>

Provision	Current Text	New Text	Purpose/Description of amendment
Administrative Decisions			decision (unless the Director General decides otherwise). At the level of the ILO Administrative Tribunal, this is made clear in Article VII, paragraph 4 of its Statute, which provides that “[t]he filing of a complaint shall not involve suspension of the execution of the decision impugned”. No similar express provision existed previously at the internal appeal level at WIPO, either in Staff Rules 11.4.2 and 11.4.3 or in the provisions under Staff Regulation 11.5, dealing with performance rebuttals, requests for review and internal appeals respectively.
<p>Rule 11.5.2</p> <p>Filing of an Appeal</p>	<p>[...]</p> <p>(b) An appellant who wishes to appeal against a decision taken under Regulation 11.4, or a disciplinary decision taken under Rule 10.1.2, shall submit his or her appeal in writing to the Chair of the Appeal Board within ninety (90) calendar days from the date of his or her receipt of the decision.</p> <p>[...]</p>	<p>[...]</p> <p>(b) An appellant staff member who wishes to appeal (“the appellant”) against a decision taken under Regulation 11.4, or a disciplinary decision taken under Rule 10.1.2, shall submit his or her appeal in writing to the Chair of the Appeal Board within ninety (90) calendar days from the date of his or her receipt of the decision.</p> <p>[...]</p> <p><u>(d) The filing of an appeal shall not have the effect of suspending the implementation of the decision contested in the appeal, unless the Director General decides otherwise.</u></p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>Paragraph (b): Editorial change to clarify the definition of “appellant” at the outset.</p> <p>New paragraph (d): To expressly reflect, for the sake of clarity and transparency vis-à-vis staff, that the filing of a legal challenge of an administrative decision does not prevent or suspend the implementation of that decision (unless the Director General decides otherwise). At the level of the ILO Administrative Tribunal, this is made clear in Article VII, paragraph 4 of its Statute, which provides that “[t]he filing of a complaint shall not involve suspension of the execution of the decision impugned”. No similar express provision existed previously at the internal appeal level at WIPO, either in Staff Rules 11.4.2 and 11.4.3 or in the provisions under Staff Regulation 11.5, dealing with performance rebuttals, requests for review and internal appeals respectively.</p>
<p>Rule 11.5.3</p> <p>Procedure before the Appeal Board</p>	<p>(a) A staff member wishing to appeal (“the appellant”) shall set down his or her arguments in writing and address them to the Chair of the Appeal Board; the Chair shall promptly transmit a copy of the appeal to the Director General who shall, subject to the provisions of paragraphs (c) and (d), below, reply in writing.</p> <p>[...]</p>	<p>(a) A staff member wishing to appeal (“the appellant”) shall set down his or her arguments in writing and address them to the Chair of the Appeal Board; the Chair shall promptly transmit a copy of the appeal to the Director General who shall, subject to the provisions of paragraphs (c) and (d), below, reply in writing.</p> <p>[...]</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020)</p> <p>Paragraph (a): Editorial change, consistent with the change to Staff Rule 11.5.2(b) above.</p> <p>Paragraph (l): The WIPO Appeal Board’s annual report was previously required to contain a summary</p>

Provision	Current Text	New Text	Purpose/Description of amendment
	<p>(l) The Appeal Board shall prepare an annual report to the Director General, setting out a summary of the appeals received redacting the names of the appellants. The Director General shall make such report available to staff.</p>	<p>(l) The Appeal Board shall prepare an annual report to the Director General, setting out a summary of the <u>Board's conclusions and recommendations on the appeals it has considered received</u>, redacting the names of the appellants. The Director General shall make such report available to staff.</p>	<p>of the “appeals received” in a given reporting year. Paragraph (l) was amended to focus on the work actually done by the Board. Indeed, it is more useful for the report to set out a summary of the appeals considered by the Board, rather than received, in a given year. This also resolved the problem of reporting on appeals that are not being considered in the same year as they were filed (that is, cutting across different reporting years).</p>
<p>Rule 11.6.1 Administrative Tribunal</p>	<p>[...] (c) No appeal shall be made to the Tribunal before the appeal procedure within the International Bureau has been exhausted.</p>	<p>[...] (c) <u>Unless expressly authorized otherwise by the Director General.</u> No appeal shall be made to the Tribunal before the appeal procedure within the International Bureau has been exhausted.</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020) Amended to reflect that the Director General may authorize exceptions to this provision.</p>
<p>Rule 12.3.1 Gender of Terms</p>	<p>References to staff members using the masculine gender shall apply also to women unless this is clearly inappropriate from the context.</p>	<p>References to staff members using the masculine gender shall apply also to women unless this is clearly inappropriate from the context.</p>	<p>Entry into force: January 1, 2021 (Information Circular No. 25/2020) The Staff Regulations and Rules expressly refer to both genders throughout. As such, there was no need for this Staff Rule, which had become outmoded.</p>

[Annex III follows]

AMENDMENTS TO STAFF RULES TO BE IMPLEMENTED

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
<p>Rule 1.3.2 Working Time</p>	<p>(a) Except when derogations are duly authorized:</p> <p>(1) Staff members in full-time employment shall work five days and 40 hours per week, not including the lunch breaks;</p> <p>(2) Staff members shall comply with the daily time frame of possible working hours and with the core hours, as prescribed in an Office Instruction.</p> <p>(b) Staff members may follow flexible working arrangements, subject to organizational needs and the established authorization procedure. The types of flexible working arrangements and their authorization procedure shall be prescribed in an Office Instruction.</p> <p>(c) Staff members who do not follow a flexible working arrangement shall observe uniform daily working hours.</p> <p>(d) Notwithstanding paragraphs (a) to (c) above, any staff member shall be present at work whenever requested on account of the exigencies of the service.</p> <p>[...]</p>	<p>(a) Except when derogations are duly authorized, ÷</p> <p>(1) Staff members in full-time employment shall work five days and 40 hours per week, not including the lunch breaks.</p> <p>(2) Staff members shall comply with the daily time frame of possible working hours and with the core hours, as prescribed in an Office Instruction.</p> <p>(b) Staff members may follow flexible working arrangements, subject to organizational needs and the established authorization procedure. The types of flexible working arrangements and their authorization procedure shall be prescribed in an Office Instruction.</p> <p>(c) Staff members who do not follow a flexible working arrangement shall observe uniform daily working hours.</p> <p>(d) Notwithstanding paragraphs (a) and (b) to (c) above, any staff member shall be present at work whenever requested on account of the exigencies of the service.</p> <p>[...]</p>	<p>Paragraph (a): The core hours and the daily timeframe of possible working hours will be abolished, to give staff (notably those who telework) more flexibility as to when they complete their working hours.</p> <p>Paragraph (c): The provision will be deleted as superfluous.</p>
<p>Rule 1.3.3 Authorized Absences</p>	<p>Absence from the office premises shall be authorized in the following cases, subject to conditions which shall be prescribed in an Office Instruction:</p> <p>(a) absence on official business or authorized training;</p> <p>(b) absence for a medical appointment;</p> <p>(c) absence for exceptional and important reasons;</p>	<p>Absence from the office premises shall be authorized in the following cases, subject to conditions which shall be prescribed in an Office Instruction:</p> <p>(a) absence on official business or authorized training;</p> <p>(b) absence for a medical appointment;</p> <p>(b) (c) absence for exceptional and important reasons, <u>such as a medical appointment;</u></p>	<p>The provision will be amended to reflect that absences for exceptional and important reasons include absences for medical appointments.</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
	<p>(d) absence arising from a duly approved flexible working arrangement;</p> <p>(e) when leave is authorized.</p>	<p>(c) (d) absence arising from a duly approved flexible working arrangement;</p> <p>(d) (e) when leave is authorized.</p>	
<p>Rule 5.1.1 Annual Leave</p>	<p>[...]</p> <p>(b) Leave may be taken only when authorized. According to the exigencies of the service, staff members may be required to take their leave during a specified period specified by the Director General.</p> <p>(c) Since the purpose of annual leave is to provide a period of rest each year, not more than 15 days of annual leave accrued in a given year shall normally be carried forward to the next calendar year. Notwithstanding the foregoing, up to 20 days of annual leave accrued in 2020 may be carried forward to 2021.</p> <p>(d) Annual leave may be taken in units of half days.</p> <p>(e) Annual leave may be accumulated, provided that not more than 60 days of such leave shall be carried forward from one calendar year to the next. Notwithstanding the foregoing, those staff members who accumulated more than 60 days of annual leave prior to January 1, 2021, shall be entitled to retain up to 80 days until December 31, 2021. Following this date, accumulated annual leave in excess of 60 days shall be forfeited on January 1 of each calendar year.</p> <p>[...]</p>	<p>[...]</p> <p>(b) Leave may be taken only when authorized. According to the exigencies of the service, staff members may be required to take their leave during a specified period specified by the Director General.</p> <p>(c) Since the purpose of annual leave is to provide a period of rest each year, not more than 15 days of annual leave accrued in a given year shall normally be carried forward to the next calendar year. Notwithstanding the foregoing, up to 20 days of annual leave accrued in 2020 may be carried forward to 2021.</p> <p>(d) Annual leave may be taken in units of half days.</p> <p>(e) Annual leave may be accumulated, provided that not more than 60 days of such leave shall be carried forward from one calendar year to the next. Notwithstanding the foregoing, those staff members who accumulated more than 60 days of annual leave prior to January 1, 2021, shall be entitled to retain up to 80 days until December 31, 2021. Following this date, accumulated annual leave in excess of 60 days shall be forfeited on January 1 of each calendar year.</p> <p>[...]</p>	<p>Paragraph (b): The reference to the Director General will be removed, as the prerogative to require staff members to take leave during a specified period should belong to supervisors, who are best placed to appreciate the exigencies of the service.</p> <p>Paragraphs (c) and (e): Amended to remove the reference to temporary measures that are no longer applicable. These temporary measures were decided and implemented in view of the exceptional situation arising from the COVID-19 pandemic in 2020. (See Annex II above)</p>
<p>Rule 10.1.2 Procedure</p>	<p>(a) If and when the Director of HRMD decides to institute disciplinary proceedings, he or she shall send a letter to the staff member concerned (the “respondent”) setting out in detail the alleged misconduct, providing the evidentiary basis for the alleged misconduct, including any investigation report, and inviting him or her to submit a detailed response.</p>	<p>(a) If and when the Director of HRMD decides to institute disciplinary proceedings, he or she shall send a letter to the staff member concerned (the “respondent”) setting out in detail the alleged misconduct, providing the evidentiary basis for the alleged misconduct, including any investigation report, and inviting him or her to submit a detailed response.</p>	<p>The current timeframes in Staff Rule 10.1.2 for a staff member to respond to charges of misconduct and charges of serious misconduct are considered too short by staff. The amendments address that concern, by increasing the timeframes.</p>

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	<p>Where, in the opinion of the Director of HRMD, the alleged misconduct could amount to serious misconduct, the respondent shall have seven (7) calendar days from the date of receipt of the letter to submit a response. In all other cases, the respondent shall have fourteen (14) calendar days.</p> <p>[...]</p>	<p>Where, in the opinion of the Director of HRMD, the alleged misconduct could amount to serious misconduct, the respondent shall have fourteen (14) seven (7) calendar days from the date of receipt of the letter to submit a response. In all other cases, the respondent shall have thirty (30) fourteen (14) calendar days.</p> <p>[...]</p>	
<p>Rule 10.1.5 Appeal</p>	<p>All decisions taken under this Chapter can be appealed under Chapter XI. A decision to apply a disciplinary measure under Rule 10.1.2 can be appealed directly to the WIPO Appeal Board under Regulation 11.5. A decision to impose a temporary suspension from duty under Rule 10.1.3 can be reviewed under Rule 11.4.3.</p>	<p>All decisions taken under this Chapter can be appealed under Chapter XI. A decision to apply a disciplinary measure under Rule 10.1.2 can be appealed directly to the WIPO Appeal Board under Regulation 11.5. A decision to impose a temporary suspension from duty under Rule 10.1.3 can be reviewed under Rule 11.4.3.</p>	<p>The first sentence will be deleted as it is misleading. For example, a decision to initiate disciplinary proceedings is not a final administrative decision and as such, it is not subject to appeal under Chapter XI.</p>
<p>Rule 11.4.1 Administrative Resolution of Workplace-Related Conflicts and Grievances</p>	<p>(a) A staff member who believes that he or she has been subjected to discrimination and/or harassment (the “complainant”) may submit a complaint to the Director General. Such complaint shall be submitted in writing, with a copy to the Director of HRMD, within ninety (90) calendar days from the date of the occurrence of the incident or the treatment complained of (or in the case of more than one incident, within ninety (90) calendar days from the occurrence of the last incident). The complaint shall describe the specific conduct that is the subject of the complaint and the specific circumstances under which it allegedly occurred. The complaint shall be accompanied by all relevant evidence available.</p> <p>(b) The staff member(s) subject of the complaint (the “respondent(s)”) shall be notified of the complaint within fifteen (15) calendar days from his or her receipt thereof. The respondent(s) shall have thirty (30) calendar days from the date of receipt of such notification to provide a response.</p>	<p>(a) A staff member who believes that he or she has been subjected to discrimination and/or harassment (the “complainant”) may submit a complaint to the Director General Director of the Internal Oversight Division. Such complaint shall be submitted in writing, with a copy to the Director of HRMD, within ninety (90) calendar days from the date of the occurrence of the incident or the treatment complained of (or in the case of more than one incident, within ninety (90) calendar days from the occurrence of the last incident). The complaint shall, to the extent possible, identify the staff member(s) subject of the complaint (the “respondent(s)”). describe the specific conduct that is the subject of underpinning the complaint and the specific circumstances under which it allegedly occurred. The complaint shall be accompanied by all relevant evidence available.</p> <p>(b) The staff member(s) subject of the complaint (the “respondent(s)”) shall be notified of the complaint within fifteen (15) calendar days from his or her receipt thereof. The respondent(s) shall have thirty (30) calendar days from the date of receipt of such notification to provide a response. The complaint</p>	<p>The amendments to Staff Rule 11.4.1 aim to ensure that all allegations of misconduct, including allegations of discrimination and/or harassment, are referred to the Internal Oversight Division (with the exception of allegations of retaliation, which will remain with the Ethics Office). The amendments are consistent with a recommendation of the Joint Inspection Unit that all investigations and related activities (namely intake, preliminary assessment and the decision to open an investigation) be consolidated, irrespective of the type of misconduct, in the internal oversight office of each organization (see recommendation 3 in JIU/REP/2020/1, available at https://www.unju.org/sites/www.unju.org/files/jiu_rep_2020_1_english_0.pdf).</p>

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	<p>(c) The Director General shall review the complaint and response and notify the parties in writing of a reasoned decision within sixty (60) calendar days from the date of receipt of the response to the complaint. Upon agreement of the parties, the Director General shall suspend this time limit up to ninety (90) calendar days in order to engage in informal conflict resolution. Upon expiration of the period of suspension, the formal review process shall resume, unless the complainant withdraws the complaint in writing.</p> <p>(d) The Director General shall, where deemed necessary, refer a complaint for an independent investigation and notify the parties accordingly, including any interim measure(s) he or she intends to apply. In case a complaint has been referred for an independent investigation, the time limit under paragraph (c) shall be suspended and a reasoned decision shall be notified to the parties not later than sixty (60) calendar days following the communication of the investigative findings to the Director General.</p> <p>(e) If a party disagrees with a decision under paragraph (c) above, or in the absence of a decision within the applicable time limit, he or she shall be entitled to file an appeal under Regulation 11.5 within ninety (90) calendar days from the date of the notification of the decision or, in the absence of a decision, within ninety (90) calendar days from the expiration of the applicable time limit. Failure by the Director General to take a decision within the</p>	<p><u>shall be handled by the Internal Oversight Division in accordance with its investigative framework. Upon completion of the investigative process in relation to the complaint, the Director of the Internal Oversight Division shall submit a report to the Director General containing the findings and conclusions of that process.</u></p> <p>(c) The Director General shall review the complaint and response <u>report in relation to the complaint</u> and notify the parties <u>complainant and the respondent(s)</u> in writing of a reasoned decision within sixty (60) calendar days from the date of receipt of the response to the complaint <u>report</u>. Upon agreement of the parties, the Director General shall suspend this time limit up to ninety (90) calendar days in order to engage in informal conflict resolution. Upon expiration of the period of suspension, the formal review process shall resume, unless the complainant withdraws the complaint in writing.</p> <p>(d) The Director General shall, where deemed necessary, refer a complaint for an independent investigation and notify the parties accordingly, including any interim measure(s) he or she intends to apply. In case a complaint has been referred for an independent investigation, the time limit under paragraph (c) shall be suspended and a reasoned decision shall be notified to the parties not later than sixty (60) calendar days following the communication of the investigative findings to the Director General.</p> <p>(e)<u>(d)</u> If a party disagrees with a decision under paragraph (c) or (d) above, or in the absence of a decision within the applicable time limit, he or she shall be entitled to file an appeal under Regulation 11.5 within ninety (90) calendar days from the date of the notification of the decision or, in the absence of a decision, within ninety (90) calendar days from the expiration of the applicable time limit. Failure by the Director General to take a decision within the</p>	

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
	applicable time limit shall be considered a rejection of the complaint.	applicable time limit shall be considered a rejection of the complaint.	
Rule 11.4.4 Extension of Time Limits	In case of exceptional circumstances, the Director General may extend the applicable time limits under Rule 11.4.1, Rule 11.4.2 or Rule 11.4.3, and notify the parties in writing accordingly.	In case of exceptional circumstances, the Director General may extend the applicable time limits under Rule 11.4.1(c), Rule 11.4.2 or Rule 11.4.3, and notify the parties in writing accordingly.	The insertion of sub-paragraph (c) is necessitated by the amendments to Staff Rule 11.4.1 (see above). Given that complaints of harassment will now be filed with the Director of the Internal Oversight Division, the authority to extend the deadline for the filing of such complaints no longer rests with the Director General.
Rule 11.6.1 Administrative Tribunal	<p>(a) Any staff member, former staff member or a duly qualified beneficiary of the rights of a deceased official of the International Bureau shall have the right to appeal to the Tribunal, which is also competent to deal with cases affecting staff members of the International Bureau. Such appeals shall be made in accordance with the conditions set forth in the Statute of the Tribunal and in the agreement concluded between the Tribunal and WIPO.</p> <p>(b) The Tribunal shall be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and the provisions of the Staff Regulations and Rules.</p> <p>[...]</p>	<p>(a) Any staff member, former staff member or a duly qualified beneficiary of the rights of a deceased official of the International Bureau shall have the right to appeal to the Tribunal, which is also competent to deal with cases affecting staff members of the International Bureau. Such appeals shall be made in accordance with the conditions set forth in the Statute of the Tribunal and in the agreement concluded between the Tribunal and WIPO.</p> <p>(b) (a) The Tribunal shall be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and the provisions of the Staff Regulations and Rules.</p> <p>[...]</p>	Paragraph (a): Deleted to remove duplications with Regulation 11.6 (as amended, see Annex I above).
Annex III to the Staff Regulations and Rules Selection procedures for temporary appointments	<p>Article 3</p> <p>[...]</p> <p>Once internal checks have been satisfied, the JD shall be circulated for signature by an authorized representative of the Chief Financial Officer as well as the Human Resources Management Department (HRMD).</p>	<p>Article 3</p> <p>[...]</p> <p>Once internal checks have been satisfied, the JD shall be circulated for signature by an authorized representative of the Chief Financial Officer as well as submitted for approval to the Human Resources Management Department (HRMD).</p>	The reference to the Office of the Controller will be removed as this Office does not approve job descriptions.

[End of Annex III and of document]