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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 the World Intellectual Property Organization (WIPO) to maintain a sound regulatory framework that adapts swiftly 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 with explanatory notes. The main amendments are also explained below.

Regulation 3.22 – Submission of Claims and Recovery of Overpayments

4. The current Regulation requires that recovery of overpayments made to a staff member be effected over a period not exceeding 12 months. However, when the sum to be recovered is large, a 12-month period for recovery can impose an unreasonable financial burden on the staff member concerned. It is therefore proposed that in exceptional circumstances, the Director General may authorize recovery over a longer period.

Regulation 4.17 – Fixed-Term Appointments

5. The provision on fixed-term appointments with an overall term of limited duration was introduced in October 2021.¹ It provides that such limited duration appointments cannot be renewed beyond their overall term and cannot be converted into a continuing appointment.

6. Based on review and experience from implementation, it is noted that for specific roles, there may be a need to extend a limited duration fixed-term appointment beyond its overall term to support the achievement and completion of results. Such an extension would only be possible once, to avoid significant business disruption, and would be subject to the Director General's approval.

Regulation 9.7 – Notice of Termination

7. It is proposed to reduce the notice period required for the termination of a continuing appointment as a result of misconduct, from three months to one month.

8. A distinction should be made between the notice period required for the termination of an appointment as a result of misconduct (that is, dismissal or summary dismissal) on the one hand, and one resulting from non-disciplinary circumstances on the other. It is considered reasonable to give staff members who are dismissed for misconduct notice of their separation from service of one month, or compensation *in lieu* thereof, and not three months, as is currently provided for staff members with a continuing appointment.

9. Such an approach is also compatible with the absence of any notice in the case of summary dismissal for serious misconduct, reflecting a gradual reduction in benefits in line with the seriousness of the misconduct and corresponding disciplinary measure imposed.

¹ See [WO/CC/80/3](#), Amendments to staff Regulations and Rules.

10. The one-month notice period is already applied by the International Labour Organization and the World Health Organization in cases of dismissal.

Other Amendments

11. Other amendments, which are less substantive in nature or aimed at deleting an outdated provision, are also proposed to the following Regulations, as detailed in Annex I:

Regulation 8.1 – Staff Council
Regulation 12.5 – Transitional Measures

III. AMENDMENTS TO STAFF RULES (FOR NOTIFICATION)

12. The amendments to the Staff Rules, which entered into force on May 1, 2024, are provided in Annex II with explanatory notes. The main amendments are also explained below.

Rule 6.2.3 – Maternity Leave

Rule 6.2.4 – Paternity Leave

Rule 6.2.5 – Adoption Leave

13. These three Rules were replaced with a single Rule on “Parental Leave”, which implemented the decision of the International Civil Service Commission (ICSC) “to replace the current maternity, paternity and adoption leave provisions with a parental leave provision of 16 weeks for all parents” and “to provide an additional period of 10 weeks to birth mothers to meet their specific pre- and post-natal needs.”²

14. For staff members on fixed-term and continuing appointments who become parents without giving birth, this is not a change, as they already benefit from 16 weeks of parental leave since June 2021. For those who give birth, this amendment results in a two-week increase of the parental leave entitlement (from 24 to 26 weeks). These two additional weeks have been granted with retroactive effect to staff members who gave birth on or after August 1, 2023.

Other Amendments

15. Other amendments, which are less substantive in nature, were made to the following Rule, as detailed in Annex II:

Rule 6.2.7 – Health Protection and Insurance for Temporary Staff Members

² See Report of the ICSC for 2022, document [A/77/30](#), paragraph 92.

16. *The WIPO Coordination
Committee is invited:*

*(i) to approve the
amendments to the Staff
Regulations as provided in
Annex I,
document WO/CC/83/1; and*

*(ii) to note the amendments
to the Staff Rules as provided
in Annex II,
document WO/CC/83/1.*

[Annexes follow]

PROPOSED AMENDMENTS TO STAFF REGULATIONS

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
<p>Regulation 3.22</p> <p>Submission of Claims and Recovery of Overpayments</p>	<p>[...]</p> <p>(b) The International Bureau shall be entitled to recover in full any payment which was not due. However, except where the overpayment was due to the submission of erroneous or fraudulent information by the staff member, the right of the International Bureau to recover overpayments shall lapse two years after the overpayment was made. Such recovery shall be effected by means of deductions from payments due to the staff member concerned over a period not exceeding 12 months.</p>	<p>[...]</p> <p>(b) The International Bureau shall be entitled to recover in full any payment which was not due. However, except where the overpayment was due to the submission of erroneous or fraudulent information by the staff member, the right of the International Bureau to recover overpayments shall lapse two years after the overpayment was made. Such recovery shall be effected by means of deductions from payments due to the staff member concerned over a period not exceeding 12 months, <u>or a longer period in exceptional circumstances subject to the Director General's approval.</u></p>	<p>The 12-month period for the recovery of overpayments can impose an unreasonable financial burden on a staff member when the sum to be recovered is large.</p> <p>Therefore, it is proposed that in exceptional circumstances, the Director General may authorize recovery over a longer period.</p>
<p>Regulation 4.17</p> <p>Fixed-Term Appointments</p>	<p>[...]</p> <p>(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.</p> <p>[...]</p>	<p>[...]</p> <p>(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>Notwithstanding the foregoing, such a limited duration fixed-term appointment may be renewed once beyond its overall term where, in the opinion of the Director General, this is warranted to avoid significant business disruption.</u></p> <p>[...]</p>	<p>Based on review and experience from implementation, it is noted that for specific roles, there may be a need to extend a limited duration fixed-term appointment beyond its overall term to support the achievement and completion of results. Such an extension would only be possible once, to avoid significant business disruption, and would be subject to the Director General's approval.</p>
<p>Regulation 8.1</p> <p>Staff Council</p>	<p>Staff Council</p> <p>The staff shall have the right of association. The interests of the staff shall be represented before the Director General and his representatives by a Staff Council elected by the staff members.</p>	<p>Staff Council Relations</p> <p>The staff shall have the right of association. The interests of the staff shall be represented before the Director General and his representatives by a Staff Council elected by the staff members.</p>	<p>The current title of the Regulation does not correctly summarize the substance of the provision, which concerns not only the right of staff to elect the Staff Council, but also the staff's right of association.</p> <p>It is proposed to align the title of this Regulation with the title of similar provisions in the Staff Regulations and Rules of other organizations of the United Nations common system (e.g., International Labour Organization, United Nations Educational, Scientific</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
<p>Regulation 9.7</p> <p>Notice of Termination</p>	<p>(a) A staff member whose appointment is terminated pursuant to Regulation 9.2 or 9.4 shall be given such notice as is provided for in his or her letter of appointment or contract and such indemnity as provided for under the Staff Regulations and Rules.</p> <p>(b) A staff member whose continuing appointment is terminated shall be given not less than three months' written notice of such termination.</p> <p>(c) A staff member whose fixed-term appointment is terminated shall be given not less than thirty days' written notice of such termination or such notice as may be stipulated in his or her letter of appointment.</p> <p>(d) In lieu of notice, the Director General may authorize payment to a staff member whose appointment is terminated of compensation calculated on the basis of the salary and allowances which the staff member would have received had the termination taken effect at the end of the notice period.</p> <p>(e) Notwithstanding paragraph (a) above, no termination notice or compensation in lieu thereof shall be given in case of summary dismissal.</p>	<p>(a) A staff member whose appointment is terminated pursuant to Regulation 9.2 or 9.4 shall be given such notice as is provided for in his or her letter of appointment or contract and such indemnity as provided for under the Staff Regulations and Rules.</p> <p>(b) A staff member whose continuing appointment is terminated shall be given not less than three months' written notice of such termination.</p> <p>(c) A staff member whose fixed-term appointment is terminated shall be given not less than thirty days' written notice of such termination or such notice as may be stipulated in his or her letter of appointment.</p> <p>(d) In lieu of notice, the Director General may authorize payment to a staff member whose appointment is terminated of compensation calculated on the basis of the salary and allowances which the staff member would have received had the termination taken effect at the end of the notice period.</p> <p>(e) Notwithstanding paragraph (a) above, no termination notice or compensation in lieu thereof shall be <u>one month</u> given in case of <u>dismissal, and none in case of</u> summary dismissal.</p>	<p>and Cultural Organization, United Nations Secretariat, World Health Organization).</p> <p>A distinction should be made between the notice period required for the termination of an appointment as a result of misconduct (that is, dismissal or summary dismissal) on the one hand, and one resulting from non-disciplinary circumstances on the other.</p> <p>It is reasonable to give staff members who are dismissed for misconduct notice of their separation from service of one month, or compensation <i>in lieu</i> thereof, and not three months, as is currently provided for staff members with a continuing appointment. Such an approach is also compatible with the absence of any notice in the case of summary dismissal for serious misconduct, reflecting a gradual reduction in benefits in line with the seriousness of the misconduct and corresponding disciplinary measure imposed.</p> <p>The one-month notice period is already applied by the International Labour Organization and the World Health Organization in cases of dismissal.</p>
<p>Regulation 12.5</p> <p>Transitional Measures</p>	<p>[...]</p> <p>Education Grant</p>	<p>[...]</p> <p>Education Grant</p>	<p>There are no more staff members who are eligible for the transitional measure on education grant.</p>

Provision	Current Text	Proposed New Text	Purpose/Description of amendment
	<p>(b) Notwithstanding Regulation 3.14(a), staff members holding fixed-term or continuing appointments with the International Bureau before January 1, 2016, and residing but not serving, at the time, in their home country, and who are in receipt of an education grant in relation to expenses incurred up to and including December 31, 2016, shall continue to receive the education grant until the dependent child completes the educational stage of the educational institution in which he or she was enrolled as at December 31, 2016, provided all other eligibility requirements are met. For the purpose of this provision, “educational stage” shall mean primary, secondary or post-secondary level of education.</p> <p>[...]</p>	<p>(b) Notwithstanding Regulation 3.14(a), staff members holding fixed-term or continuing appointments with the International Bureau before January 1, 2016, and residing but not serving, at the time, in their home country, and who are in receipt of an education grant in relation to expenses incurred up to and including December 31, 2016, shall continue to receive the education grant until the dependent child completes the educational stage of the educational institution in which he or she was enrolled as at December 31, 2016, provided all other eligibility requirements are met. For the purpose of this provision, “educational stage” shall mean primary, secondary or post-secondary level of education.</p> <p>[...]</p>	

[Annex II follows]

AMENDMENTS TO STAFF RULES

ENTRY INTO FORCE: MAY 1, 2024

Provision	Current Text	New Text	Purpose/Description of amendment
<p>Rule 6.2.3</p> <p>Maternity Leave</p>	<p>Rule 6.2.3 – Maternity Leave</p> <p>(a) A staff member shall be entitled to maternity leave for a total period of 16 weeks as follows:</p> <p>(1) the pre-delivery leave shall commence no earlier than six weeks and no later than two weeks prior to the expected date of delivery, subject to the submission of a medical certificate, indicating the expected date of delivery;</p> <p>(2) the staff member shall not be required to work during the 10 weeks following the date of birth;</p> <p>(3) the staff member shall be entitled to maternity leave with full pay for the entire duration of her absence under subparagraphs (1) and (2) above.</p> <p>(b) Any 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.</p> <p>(d) A staff member who returns to duty following maternity leave, may take two hours per day to breastfeed her newborn child until the child reaches the age of 12 months. Post-maternity leave entitlements shall be prescribed by the Director General.</p>	<p>Rule 6.2.3 – Maternity Parental Leave</p> <p><u>(a) Under conditions established by the Director General, staff members shall be granted:</u></p> <p><u>(1) Sixteen weeks of parental leave with full pay in the case of the birth or adoption of a child;</u></p> <p><u>(2) An additional period of 10 weeks of prenatal and postnatal leave with full pay for the parent who gives birth, bringing the total duration of their parental leave to 26 weeks.</u></p> <p><u>(b) Staff members may avail of the 16 weeks of parental leave mentioned in paragraph (a) (1) above within a year following the date of their child's birth or adoption, provided that it is completed during that year.</u></p> <p>(a) A staff member shall be entitled to maternity leave for a total period of 16 weeks as follows:</p> <p>(1) the pre-delivery leave shall commence no earlier than six weeks and no later than two weeks prior to the expected date of delivery, subject to the submission of a medical certificate, indicating the expected date of delivery;</p> <p>(2) the staff member shall not be required to work during the 10 weeks following the date of birth;</p> <p>(3) the staff member shall be entitled to maternity leave with full pay for the entire duration of her absence under subparagraphs (1) and (2) above.</p>	<p>The Rules on maternity leave, paternity leave and adoption leave were replaced with a single Rule on “Parental Leave”, in order to implement the decision of the ICSC, in its 2022 annual report (A/77/30), “to replace the current maternity, paternity and adoption leave provisions with a parental leave provision of 16 weeks for all parents” and “to provide an additional period of 10 weeks to birth mothers to meet their specific pre- and post-natal needs.”</p> <p>It was noted that, having considered the ICSC 2022 annual report, the General Assembly of the United Nations “[w]elcome[d] the establishment of the new parental leave framework, request[ed] the Secretary-General to implement the framework in the Secretariat of the United Nations within existing resources, on an exceptional basis, for the year 2023, and encourage[d] executive heads of other organizations of the common system to follow such practice” (see resolution 77/256 of 5 January 2023 on “United Nations common system”).</p> <p>For staff members on fixed-term and continuing appointments who become parents without giving birth, this amendment does not introduce any change, as they already benefit from 16 weeks of parental leave since June 2021. For those who give birth, this amendment results in a two-week increase of the parental leave entitlement (from 24 to 26 weeks). These two additional weeks have been granted with retroactive effect to staff members who gave birth on or after August 1, 2023.</p>

Provision	Current Text	New Text	Purpose/Description of amendment
		<p>(b) Any 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 a Annual leave shall accrue during the periods of parental maternity leave.</p> <p>(d) Upon return to duty, a A staff member who gave birth returns to duty following maternity leave, may take two hours per day to breastfeed the newborn child until the child reaches the age of 12 months. Post-maternity leave entitlements shall be prescribed by the Director General.</p>	
<p>Rule 6.2.4</p> <p>Paternity 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.</p> <p>(b) The leave shall be granted for a total period of up to eight weeks.</p> <p>(c) The leave may be taken either continuously or in separate periods during the year following the birth of the child, provided it is completed during that year.</p> <p>(d) The staff member shall receive paternity leave with full pay for the entire duration of his absence.</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.</p> <p>(b) The leave shall be granted for a total period of up to eight weeks.</p> <p>(c) The leave may be taken either continuously or in separate periods during the year following the birth of the child, provided it is completed during that year.</p> <p>(d) The staff member shall receive paternity leave with full pay for the entire duration of his absence.</p>	<p>See above.</p>
<p>Rule 6.2.5</p> <p>Adoption Leave</p>	<p>Rule 6.2.5 – Adoption Leave</p> <p>Subject to conditions established by the Director General, and upon presentation of satisfactory evidence of the adoption of a child, a staff member shall be entitled to adoption leave for a total period of eight weeks.</p>	<p>Rule 6.2.5 – Adoption Leave</p> <p>Subject to conditions established by the Director General, and upon presentation of satisfactory evidence of the adoption of a child, a staff member shall be entitled to adoption leave for a total period of eight weeks.</p>	<p>See above.</p>
<p>Rule 6.2.7</p> <p>Health Protection and Insurance for</p>	<p>[...]</p> <p>(d) Rule 6.2.3, “Maternity Leave,” shall apply to temporary staff members subject to the following:</p>	<p>[...]</p> <p>(d) Parental leave shall be granted to temporary staff members under conditions established by the</p>	<p>The parental leave entitlement of temporary staff members is defined in WIPO’s HR Manual.</p>

Provision	Current Text	New Text	Purpose/Description of amendment
<p>Temporary Staff Members</p>	<p>in cases where maternity leave shall commence prior to the expiry date of the temporary appointment, the appointment of the temporary staff member shall be exceptionally extended for the purpose of exercising the unused portion of the maternity leave entitlement. Entitlements such as annual leave and sick leave shall not accrue during the extension.</p> <p>(e) Rule 6.2.4, "Paternity Leave," shall apply to temporary staff members subject to the following:</p> <p>the entitlement to paternity leave shall consist of eight 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>(f) Rule 6.2.5, "Adoption Leave," shall apply to temporary staff members subject to the following:</p> <p>the entitlement to adoption leave shall consist of eight 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>(g) [...]</p>	<p>Director General. Rule 6.2.3, "Maternity Leave," shall apply to temporary staff members subject to the following:</p> <p>in cases where maternity leave shall commence prior to the expiry date of the temporary appointment, the appointment of the temporary staff member shall be exceptionally extended for the purpose of exercising the unused portion of the maternity leave entitlement. Entitlements such as annual leave and sick leave shall not accrue during the extension.</p> <p>(e) Rule 6.2.4, "Paternity Leave," shall apply to temporary staff members subject to the following:</p> <p>the entitlement to paternity leave shall consist of eight 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>(f) Rule 6.2.5, "Adoption Leave," shall apply to temporary staff members subject to the following:</p> <p>the entitlement to adoption leave shall consist of eight 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>(e) (g) [...]</p>	<p>It increased with effect from May 1, 2024. The entitlement of temporary staff members with at least 12 months of continuous service on the date of birth or date of the child's arrival in case of adoption is now aligned with the entitlement of staff members on fixed-term and continuing appointments.</p>

[End of Annex II and of document]