



EIGHTH ITEM ON THE AGENDA

Amendments to the Staff Regulations**Proposed amendments to the Staff Regulations**

1. At its 280th (March 2001) Session, the Governing Body requested the Office to provide three sets of proposed amendments to the Staff Regulations to the present session of the Programme, Financial and Administrative Committee, for the Committee's consideration and, if agreed, recommendation to the Governing Body for approval. These draft amendments, proposals relating to which are set out below, concern: the awarding of a proposed paternity leave benefit; the establishment of a scheme under which the Office would be authorized to take action to implement family support obligations through salary deductions where an official does not honour a relevant court order; and proposed regulations to implement the Collective Agreement on Prevention and Resolution of Harassment-related Grievances.

Paternity leave

2. At its 280th Session, the Governing Body requested the Office to submit a revised proposal for paternity leave (together with the proposed amendments to the Staff Regulations) for consideration at its present session. The Governing Body also asked the Office to provide a response from the International Civil Service Commission (ICSC) as to whether there would be any conflict between the ILO's proposal and the common system; and to submit an implementation and impact analysis of the paternity leave proposal.
3. In its response to the Office, the ICSC has indicated that "[In] order to avoid unequal treatment of staff with respect to this issue and given the attention the matter has lately been receiving in some of the organizations, [the matter will be placed] on the agenda of the forthcoming spring session of the ICSC with a view to developing uniform guidelines for the organizations. In the meantime, [the ILO] may wish to proceed with [its] plans to introduce paternity leave on a pilot basis".
4. In the light of the ICSC response, the Office considers that, rather than proposing amendments to the Staff Regulations, it would be preferable to promulgate the measures through an ILO circular, which is a more flexible way of introducing modifications that are intended to be tested for a trial period.
5. If the Committee agrees, such a circular would contain the following indications:

- In accordance with continuing efforts to introduce HR policies and programmes that respond to the needs of staff members, it has been decided to introduce paternity leave on a pilot basis for 24 months. This measure is consistent with the Office's work, life and well-being policy and is also designed to further gender equity.
 - As from the date of promulgation of this circular, staff members may be granted paternity leave on the birth, or adoption, of their child.
 - Paternity leave consists of five days of paid leave which may be taken in one continuous period or on the basis of half-time leave combined with half-time duty for ten days, either in a continuous period or in two separate five-day periods.
 - Paternity leave may be taken at any time during the first year of the birth, or of the adoption, of a child below school age.
 - A staff member who has fathered a child born, or adopted, recently may benefit from these provisions provided the leave is taken and completed within one year of the birth of the child, or within one year of the adoption of a child below school age.
 - Where paternity leave is sought immediately following the birth of a child, the staff member should present a certificate from the attending doctor or midwife indicating the expected delivery date.
 - Requests for post-delivery paternity leave should be accompanied by the child's birth certificate or by other documents that constitute proof of paternity consistent with local legislation. Where this is not possible, paternity leave may still be authorized pending receipt of the required document, which should be presented within the first year of the birth or adoption of a child.
 - A minimum of 12 months is required between the ending of one period of paternity leave and the starting date of any subsequent period.
6. As to the Governing Body's request for an analysis of the potential impact of the paternity leave proposal, on the basis of the number of male officials who have registered newly born children as dependants in recent years, for the year 1999, 15 Professional staff and 14 General Service staff became fathers; in 2000, eight Professional and nine General Service staff became fathers; and up until June 2001, four Professional staff and six General Service staff became fathers.
7. Five days' paternity leave for a Professional official represents some \$550 at standard cost (\$335 for a General Service official). In reality, however, there would be no cost to the Office since it would not normally be practical to replace officials for such a short period of leave.
8. *The Committee may wish to recommend to the Governing Body that it approve the scheme of the proposed paternity leave benefit as outlined above on a pilot basis, with guidance on the conditions of entitlement to the benefit being provided through an associated Office circular. The scheme would be reviewed in the light of any guidelines proposed subsequently by the ICSC.*

Family support obligations

9. In November 2000, the Office informed the Governing Body that a number of common system organizations (including the UN secretariat) have procedures in place to ensure compliance when staff members fail to meet family support obligations. At its 280th

(March 2001) Session, the Governing Body asked the Office to submit for approval at its present session, the Staff Regulations which would authorize the Office to take action to implement family support obligations through salary deductions where an official does not honour a relevant court order.

10. The text of the proposed amendments to Chapter III of the Staff Regulations would be as set out below:

Family support obligations

The purpose of the present amendment to the Staff Regulations is to amend article 3.16 of the Staff Regulations (*Deductions*) by the addition of the following provision:

- (b) The Director-General may provide for the deduction from the total monthly payment due to an official of the amount ordered by a national court to which the official is subject, to be paid to spouses, former spouses or dependent children. Such a deduction shall be provided for only where the national court order is no longer subject to appeal and where the official has been given a reasonable period of notice and opportunity to discuss with the relevant services the forthcoming deduction.

11. The existing provision of article 3.16 would become paragraph (a).

12. *The Committee may wish to recommend to the Governing Body that it approve the text of the draft Staff Regulations set out in paragraph 9 above.*

Implementation of the Collective Agreement on Prevention and Resolution on Harassment-related Grievances

13. At its 280th Session, the Governing Body noted the Collective Agreement on Prevention and Resolution of Harassment-related Grievances and requested the Office “to provide associated Staff Regulations to the Governing Body for its approval in November 2001, noting that these Regulations will be reviewed at the Governing Body session in March 2003”.¹

14. The proposed Staff Regulations to give effect to the Collective Agreement are presented in Appendix I, for the Committee’s consideration. The proposed Regulations and those governing the general grievance procedure (which were approved by the Governing Body at its 279th Session),² are intended to be presented in the Staff Regulations as an integrated chapter. For ease of reference, Appendix II reproduces the Staff Regulations concerned with the general grievance procedure.

15. *The Committee may wish to recommend to the Governing Body that it approve the text of the proposed Staff Regulations set out in Appendix I to this paper.*

Geneva, 5 November 2001.

Points for decision: Paragraph 8;
Paragraph 12;
Paragraph 15.

¹ GB.280/11/2, para. 49(c).

² GB.279/10/2, para. 80(b).

Appendix I

Proposed Staff Regulations establishing the Harassment-related Grievance Procedure

Note: This document includes references to the Staff Regulations to give effect to the Collective Agreement on a Procedure for the Resolution of Grievances (referred to as the general grievance procedure). For ease of reference, the general grievance procedure, as approved by the Governing Body at its 279th Session (November 2000)¹ has been reproduced in Appendix II. Once approved, the consolidated chapter of the Staff Regulations – containing both the regulations governing the General Grievance Procedure as well as the Harassment-related Grievance Procedure – will be promulgated with consecutive numbering.

The proposed amendments to Chapter XIII of the Staff Regulations which would govern the resolution of Harassment-related Grievances are set out below:

The purpose of the present amendment to the Staff Regulations is to give effect to the Collective Agreement on the Prevention and Resolution of Harassment-related Grievances.

Accordingly, as from 1 December 2001, the following section will be added to Chapter XIII of the Staff Regulations:

Section VII. Harassment-related Grievances

I. Definitions

For the purposes of grievances submitted under this section of Chapter XIII:

- (1) the expression “claimant” means an official submitting a grievance alleging harassment within the meaning of this section;
- (2) the expression “respondent” means any person who is alleged to have harassed the claimant;
- (3) the expression “harassment” encompasses any act, conduct, statement or request which is unwelcome to the claimant and could, in all the circumstances, reasonably be regarded as harassing behaviour of a discriminatory, offensive, humiliating, intimidating or violent nature or an intrusion of privacy. It includes, but is not limited to, the following, which may occur singly, simultaneously or consecutively:
 - (a) bullying/mobbing: namely, repeated or persistent aggression, by one or more persons, whether verbal, psychological or physical, at the workplace or in connection with work, that has the effect of humiliating, belittling, offending, intimidating or discriminating against the claimant, such as:
 - (i) measures to exclude or isolate the claimant from professional activities;
 - (ii) persistent negative attacks on personal or professional performance without reason or legitimate authority;
 - (iii) manipulation of the claimant’s personal or professional reputation by rumour, gossip and ridicule;
 - (iv) abusing a position of power by persistently undermining the claimant’s work, or setting objectives with unreasonable or impossible deadlines or unachievable tasks;
 - (v) unreasonable or inappropriate monitoring of the claimant’s performance; and
 - (vi) unreasonable or unfounded refusal of leave and training.

¹ GB.279/PFA/12(Add.1), Appendix III: Amendment to Chapter XIII of the Staff Regulations: Procedure for the resolution of grievances.

- (b) sexual harassment: namely, any unwanted or unwelcome conduct of a sexual nature, in a workplace or in connection with work, which makes the claimant feel humiliated, intimidated, discriminated against or offended whether or not the distress resulting from the act or series of acts concerned was caused intentionally; it may be coercive sexual behaviour used to control, influence or affect the job, career or status of the claimant; it may also be manifested when one or more persons submit the claimant, at any level, to offensive behaviour or humiliation on the basis of the sex or sexuality of the claimant, even though there may be no apparent impact on the latter's career or employment; it may take many forms, including:
 - (i) deliberate and unsolicited physical contact or unnecessarily close physical proximity;
 - (ii) repeated sexually oriented comments or gestures about the claimant's body, appearance or lifestyle;
 - (iii) offensive phone calls, letters or email messages;
 - (iv) stalking;
 - (v) showing or displaying of sexually explicit graphics, cartoons, pictures, photographs or Internet images;
 - (vi) questions or insinuations about the claimant's private life;
 - (vii) persistent invitations to social activities after the claimant has made it clear they are not welcome; and
 - (viii) sexually explicit jokes or propositions;and covering behaviour at the workplace or at social functions arising out of work, during travel or missions undertaken in connection with work or during fieldwork carried out with regard to projects in which the Office is involved.

II. *Informal Resolution of Harassment-related Incidents*

- (4) Officials who feel that they have been, or are being, harassed are encouraged, in the first instance, to attempt to resolve the matter directly and informally with the individual or group concerned, as soon as possible after the perceived harassment has taken place. The Office shall not keep any record of the process of informal resolution.

III. *Procedure for the Resolution of Harassment-Related Grievances*

A. *Resolution by dialogue process*

- 2. A grievance arising from alleged harassment may be submitted by the claimant in any of the following ways:
 - (a) a request for a meeting with the applicable line manager;
 - (b) a request for a meeting with a facilitator; and
 - (c) referral to the Ombudsperson.
- 3. The request or referral must be made within six months from the incident(s) giving rise to the grievance or, if the grievance relates to an ongoing matter, from the last date on which the matter affected the claimant or, if harassment is alleged to have resulted in cessation of service, from the date of such cessation. A claimant wishing to submit a grievance after the expiry of that time limit may make a request to that effect in writing to the Ombudsperson, who may decide that the grievance may be submitted notwithstanding the delay. Such a decision shall be final and without appeal.

(a) Meeting with the applicable line manager

4. In an attempt to resolve the grievance, a claimant may request an informal and private meeting with any applicable line manager. If requested, the line manager should assist the claimant by providing information and advice as to possible ways of resolving the grievance. Unless the claimant expressly requests otherwise, the line manager shall treat any such meeting and the fact that it has been requested or has taken place as private and confidential. No record shall be kept of it.

(b) Meeting with a facilitator

5. In an attempt to resolve the grievance, a claimant may request an informal and private meeting with a facilitator (referred to in sections II and IV of the general grievance procedure and in rules adopted pursuant to section VI of the general grievance procedure). The facilitator should provide information and advice as to possible ways of resolving the grievance. The facilitator should provide independent guidance and support. Any such meeting shall be treated as private and confidential. No record shall be kept of it.

(c) Referral to the Ombudsperson

6. A claimant may refer the grievance to the Ombudsperson appointed pursuant to section IV of the general grievance procedure, either directly or if he or she is not satisfied with the timeliness or the outcome of the process referred to in paragraphs 4 or 5 above, by way of a statement in writing submitted within the time limit specified in paragraph 3 above and containing the details prescribed by the rules referred to in section VI of the general grievance procedure, as supplemented in accordance with paragraph 3 under Section IV.C below.
7. Upon receipt of the statement, the Ombudsperson shall commence an investigation in which further statements may be sought from any persons considered to be relevant to the grievance. The Ombudsperson may also hold meetings or discussions with such persons and may involve them in the investigation in any other way he or she deems necessary.
8. The Ombudsperson may, in the course of discharging his or her functions, call for the production of all documents or information as may be relevant.
9. The Ombudsperson may arrange meetings with the claimant, respondent or any other relevant persons, save that:
 - (a) any joint meeting with the claimant(s) and respondent(s) shall only take place with their prior consent;
 - (b) where a claimant or a respondent requests a private meeting with the Ombudsperson, this shall be granted.
10. The conduct of joint meetings shall be at the discretion of the Ombudsperson, subject to the principles of natural justice. Neither the claimant(s) nor the respondent(s) shall have the right to legal representation. They may be represented and accompanied by a Staff Union representative or other ILO official or by a former ILO official. Following a meeting, further discussions or investigations may be undertaken by the Ombudsperson.
11. The Ombudsperson's report shall detail the outcome of the referral or of the process, and shall, if possible, make proposals for resolution. Otherwise, the report shall set out the reasons why resolution was not possible. Copies of the report shall be communicated to:
 - (a) the claimant(s);
 - (b) the respondent(s); and
 - (c) the applicable line manager (if the claimant initially submitted the grievance at a meeting referred to in paragraphs 1(a) and 3 above).
12. The report shall be communicated to the above persons, within 30 working days from the date of referral of the grievance to the Ombudsperson or within a further period of up to 30 working days which he or she may set provided that the claimant(s) and the respondent(s) agree.
13. Copies of the Ombudsperson's proposals for resolution shall be communicated to any person called upon to take action to implement the proposals, including relevant officials of the Office.
14. The Ombudsperson and all persons who receive a copy of his or her report have a duty to safeguard its confidentiality.

15. If the claimant is not satisfied with the Ombudsperson's proposal for resolution of the grievance or if the action proposed by the Ombudsperson is not implemented, the claimant may refer the grievance to the Joint Panel by written notice made within 30 working days from receipt of the Ombudsperson's report.

B. Resolution by Adjudication Process

16. The procedure set out in Section II.B (paragraphs 10, 11, 12 and 13) and in Section II.C of the General Grievance Procedure shall apply to the proceedings before the Joint Panel established by Section V of the General Grievance Procedure, with account being taken of the sensitive nature of harassment-related grievances and subject to the provisions in the following paragraphs.
17. The procedure set out in Section II.B (paragraphs 10 and 12) of the General Grievance Procedure shall apply to proposals made to the Director-General by the Joint Panel concerning a harassment-related grievance.
18. References in Section II.B of the General Grievance Procedure and in the present section, to the "parties" shall be understood to cover the claimant(s), the respondent(s) and the Office.
19. The Joint Panel may invite the Ombudsperson to provide information and advice on a harassment-related grievance.

C. Administrative Tribunal

20. An official shall be entitled to lodge a complaint about a decision on a harassment-related grievance with the Administrative Tribunal of the International Labour Organization, in accordance with the Tribunal's Statutes.

IV. General provisions

A. Disclosure of Information

1. The claimant and the respondent shall have the right to the disclosure of all material relevant to the outcome of the process, as defined in section III.A.1(a) of the general grievance procedure. Where the Office, the claimant or the respondent seeks to withhold relevant documents or information from a party to a grievance, any other party may immediately request the Ombudsperson's opinion as to whether such documents or information should be disclosed. The Ombudsperson will make a recommendation to the party withholding the document as a matter of urgency but not later than 10 working days from receipt of the request. Within 10 working days from receipt of this recommendation, the latter party will inform the other parties in writing of the Ombudsperson's recommendation and of his or her reasoned decision on the matter.

B. Stays in implementing decisions

2. Section III.B of the general grievance procedure applies also to harassment-related grievances.

C. Specific Procedures for Harassment-related Grievances

3. The Ombudsperson and the Joint Panel may, where necessary or desirable, supplement the rules referred to in section VI of the general grievance procedure by including provisions appropriate to harassment-related grievances.

D. Overlap in procedures

4. In cases where the acts alleged to have arisen from harassment are also the subject of another grievance submitted by the claimant under section II of the general grievance procedure, the two grievances may be considered together, in accordance with supplementary rules adopted pursuant to paragraph 3 above, to the extent that this is deemed feasible by the Ombudsperson or the Joint Panel, as the case may be, having regard to the differences in procedure and objectives provided for in this section and in sections II and III of the general grievance procedure. In cases where a harassment-related grievance could, at the time of submission, also have been submitted as a

grievance under section II of the general grievance procedure, the said rules may also provide for conditions under which a claimant may be permitted to withdraw the harassment-related grievance and submit a grievance based on the same facts to the applicable line manager as a grievance under section II of the general grievance procedure.

E. Transitional Provision

A grievance alleging harassment which has resulted in cessation of service may be submitted within a period of 12 months (instead of within the time limit established in paragraph 3 under Section III.A above) so long as the date of cessation is not earlier than 1 December 2000.

Appendix II

Staff Regulations governing the General Grievance Procedure

Note: The amendments to the Staff Regulations to give effect to the Collective Agreement on a Procedure for the Resolution of Grievances (the General Grievance Procedure), as approved by the Governing Body at its 279th Session (November 2000),¹ have been reproduced below in order to facilitate the reading of the proposed Staff Regulations to give effect to the Collective Agreement on the Prevention and Resolution of Harassment-related Grievances (the Harassment-related Grievance Procedure) which are presented to the Governing Body for its approval in Appendix I.

Amendment to Chapter XIII of the Staff Regulations: Procedure for the Resolution of Grievances

1. The purpose of the present amendment to the Staff Regulations is to give effect to the Collective Agreement on a Procedure for the Resolution of Grievances.
2. Accordingly, as from 1 January 2001, articles 13.1, 13.2 and 13.3 of the Staff Regulations will be replaced by the following provisions:

I. Definitions

For the purposes of this amendment:

- (a) the expression “grievance” means disagreement on any issue arising out of an official’s work or employment;
- (b) the expression “applicable line manager” refers to any subordinate supervisor, or to the official’s responsible chief or to any official to whom the responsible chief reports;
- (c) the expression “Senior Director” means the relevant Executive Director, or Regional Director or other official of equivalent organizational level reporting directly to the Director-General;
- (d) the expression “Staff Union representative” means the Officers of the Union, accredited Union officials, shop stewards or staff members appointed by the Union to represent it.

II. Procedure for the Resolution of Grievances

1. Any grievance which is not covered by an established and specific procedure shall be submitted by the official and handled in the following way.

A. *Resolution by dialogue process*

2. Within sixty working days from the date on which the cause of the grievance arose or, if the grievance relates to an ongoing matter, from the last date on which the matter affected him or her, the official shall initiate the Grievance Procedure by requesting, in writing (including by electronic mail), a meeting with any one of the line managers referred to in Section I above. Copies of the request shall be sent by the official to the relevant Senior Director and by the applicable line manager to the Director of the Human Resources Development Department. At the request of an official and for exceptional reasons, the Ombudsperson, appointed pursuant to Section IV below, can decide that the Procedure may be invoked outside the time-limit. The decision in this respect shall not be subject to appeal.

¹ GB.279/PFA/12(Add.1), Appendix III: Amendment to Chapter XIII of the Staff Regulations: Procedure for the Resolution of Grievances.

3. Where the Director of the Human Resources Development Department considers that the grievance should be channelled through another procedure referred to in Section III below, he or she may refer this procedural question to the Ombudsperson provided that such referral is made within ten working days from receipt of the copy of the request mentioned in paragraph 2 above. The procedure shall thereupon be suspended while the question is under consideration in accordance with this paragraph. The Ombudsperson shall, within ten working days from the date of referral, make a recommendation to the Director-General as to the procedure to be applied in the case. To this end, the Ombudsperson shall be given access to all relevant documents and information. If the Director-General's decision differs from the Ombudsperson's recommendation, the Ombudsperson and the parties shall be informed of the reasons in writing. If the Director-General has taken no decision on the question within ten working days from receipt of the Ombudsperson's recommendation, he or she shall be deemed to have taken a decision accepting that recommendation. If, after the ten working days specified above, the Ombudsperson has made no recommendation, the Director-General shall, within a further ten working days, take a decision on the question after an opportunity has been given to the official to express his or her views. If no decision is taken, the Director-General shall be deemed to have taken a decision accepting the application of the procedure set out in paragraphs 4 to 12 below.
4. Any applicable line manager to whom the grievance is submitted shall meet with the official within ten working days from receipt of the notification of the grievance. A short written record of the outcome of the meeting shall be kept and exchanged by both parties. Within ten working days of the meeting, and subject to paragraph 5 below, the line manager shall notify the official, in writing (including by electronic mail), of the action that he or she proposes to take in response to the grievance. The applicable line manager shall also confirm that the relevant Senior Director has been consulted. In reviewing a grievance, the applicable line manager will seek advice, as necessary, and ensure that the parties as well as all other persons concerned are heard.
5. At any time before the communication of the proposed action referred to in paragraph 4, the official or the applicable line manager may propose to the other that the assistance of a facilitator referred to in Section IV below be sought. If the parties agree on the person to be selected from the list of facilitators, the time-limit for submission of the proposal, referred to in paragraph 4 above, by the applicable line manager shall be suspended from the date of such agreement. This suspension shall continue until the grievance is resolved or the facilitator notifies the parties that facilitation has failed. If the grievance is not resolved, the facilitator's notification must be given within ten working days from referral to the facilitator, unless the parties to the grievance agree on a longer period. Upon receipt of the facilitator's notification, the applicable line manager shall communicate the proposal referred to in paragraph 4 above.
6. If the grievance is not resolved and the official wishes to pursue it, he or she shall refer the grievance either to the Ombudsperson or to the Joint Panel mentioned in Section IV or V below. Such referral must be made, by written notice, within thirty working days from receipt by the official of the notification of the proposed action by the applicable line manager. If no notification has been received from the applicable line manager, the referral must be made within forty working days from the meeting with the applicable line manager referred to in paragraph 4 above or, if the line manager has not held such a meeting, within forty days from the submission of the grievance, discounting any period of suspension under paragraph 3 or 5 above.
7. The Ombudsperson, appointed in accordance with Section IV below, shall seek to resolve the disagreement through fact-finding, discussion, referral to a facilitator (where appropriate) and the involvement of all interested persons, including the parties to the disagreement, namely the official and the applicable line manager to whom the grievance was submitted. All officials shall have the duty to cooperate with the Ombudsperson whenever so requested by the latter.
8. The Ombudsperson shall communicate a report to the parties, within thirty working days from the date of referral of the grievance to him or her or within a further period of up to thirty working days which he or she may set provided that all parties agree. The report shall either contain a proposal for resolution of the grievance or explain why no resolution was possible. The action that the applicable line manager proposes to take in the light of the Ombudsperson's report shall be promptly notified (or confirmed) to the official in writing within ten working days from receipt of the report. If the action differs from any action that

may have been proposed by the Ombudsperson, the applicable line manager shall provide his or her reasons in writing. If the official wishes to pursue the grievance, the referral to the Joint Panel mentioned in paragraph 6 above must be made within thirty working days from receipt by the official of the notification of the applicable line manager's action. If no such notification has been received, the referral must be made within forty working days from the receipt of the Ombudsperson's report.

9. Throughout the Resolution by Dialogue Process, none of the parties shall have the right to legal representation. An official may be represented and accompanied by a Staff Union representative or other ILO official or by a former ILO official. The applicable line manager may involve officials from appropriate support departments.

B. Resolution by adjudication process

10. The Joint Panel, established in accordance with Section V below, shall carry out a full examination of the facts and of the arguments made by the parties to the grievance, in accordance with the principles of natural justice. The Joint Panel shall, unless the parties reach agreement in the course of the procedure before it, make a proposal to the Director-General concerning any suitable action or remedy, which may include reinstatement of the official and/or compensation as well as provision for costs, provided however that all expenses arising from hearings decided by the Panel in accordance with the relevant rules shall be borne by the Office, with the exception of those associated with external representation.
11. Within a period of thirty working days from the date of referral of the grievance to it, which it may extend by up to thirty working days if it considers this necessary, the Joint Panel shall hold an oral hearing, when deemed necessary, and reach its conclusions on a proposal for action to be taken by the Director-General. The Chairperson of the Joint Panel may suspend this period for such time as he or she deems necessary where the parties have notified their wish to seek a settlement. The parties shall be informed of the precise period of any extension or suspension. If, during this period, the parties reach a settlement, the procedure before the Joint Panel shall cease upon written notification to the Chairperson.
12. The reasoned report of the Joint Panel, containing its proposal, shall be submitted to the Director-General, with a copy to the parties to the grievance, within ten working days from the end of the period referred to in paragraph 11. If the Director-General fails to take any decision on the grievance within twenty working days from receipt of the Joint Panel's report, he or she shall be deemed to have taken a final decision to take the action proposed in the Joint Panel's report. If the Director-General decides to differ from the action proposed in the Joint Panel's report, he or she shall provide his or her reasons in writing.
13. Before the Joint Panel:
 - (i) the official submitting the grievance may be represented and accompanied by a Staff Union representative or other ILO official, by a former ILO official or by another representative of his or her choice;
 - (ii) the applicable line manager may be represented by officials designated by the Director of the Human Resources Development Department; the applicable line manager concerned shall be consulted on the designation of his/her representative.

C. Administrative Tribunal

14. An official shall be entitled to lodge a complaint with the Administrative Tribunal of the International Labour Organization, in accordance with the Tribunal's Statute.

III. General Provisions

A. Disclosure of Information

1. For the purpose of the application of the procedure described in Section II above, an official shall be entitled to the disclosure of all material relevant to the outcome of the process, under the following conditions:

- (a) “all material relevant to the outcome of the process” includes all documents or information held or generated by the Office and by the parties to the grievance;
- (b) where relevant documents or information are withheld from a party to a grievance, the Director of the Human Resources Development Department shall immediately request the Ombudsperson’s opinion as to whether such documents or information should be disclosed. The Ombudsperson will make a recommendation to the Director-General within ten working days from receipt of the request. Within ten working days from receipt of this recommendation, the Director-General will inform the official in writing of his/her reasoned decision to which the recommendation of the Ombudsperson shall be attached.

B. Stays in Implementing Decisions

2. The submission of a grievance under this Procedure shall, subject to paragraphs 3 to 7 below, not suspend the implementation of a decision.
3. Where an official considers that a decision should not be implemented for humanitarian reasons, he/she may make a reasoned request to the Ombudsperson for a full or partial stay of implementation. Such a request must be made within ten working days from the submission of a grievance in accordance with paragraph 2 of Section II above.
4. The Ombudsperson shall recommend action to the Director-General on such a request within ten working days from the date of the request. In making his/her recommendation, the Ombudsperson shall specify whether a stay should operate, and, if so, its duration and the conditions to be applied during that period.
5. The Ombudsperson shall have access to all relevant documents and information to assist the review of the circumstances concerned.
6. The Director-General shall notify the official in writing of his/her reasoned decision, as well as the Ombudsperson’s recommendation on the issue. In taking his or her decision, the Director-General shall base that decision on rules of natural justice, having regard to international law, including international labour standards and Fundamental Principles and Rights at Work.
7. During the course of this process, a stay of implementation of the decision will operate.

C. Specific Procedures for the Resolution of Grievances

8. A grievance covered by an established and specific procedure will be governed by that specific procedure, until such time as the procedure has been amended by the Director-General in agreement with the Staff Union.

D. Specific Procedures for the Resolution of Class Actions

9. At their discretion, the Ombudsperson and the Joint Panel respectively may adopt rules of procedure to give effect to the relevant provisions governing class actions of the Collective Agreement on a Procedure for the Resolution of Grievances.

IV. Appointment of the Ombudsperson

1. The Director-General and the Staff Union shall agree on the appointment of an Ombudsperson, from among persons with the requisite independence, competence and experience, and establish his or her terms of appointment. He or she shall be appointed by the Director-General for a period of two years, renewable (by the Director-General in agreement with the Staff Union) for not more than one further two-year period.
2. The Ombudsperson shall not, at the time of appointment, be an official or other employee of the Office and shall not have an immediate family member who is employed by the Office. Upon termination of the appointment, he or she shall not be appointed as an official or be remunerated in any way by the Office for a period of five years.

3. The Ombudsperson shall:
 - (a) perform the duties relating to the resolution of grievances, as set out in Section II above and in Rules adopted pursuant to Section VI;
 - (b) coordinate the work of the facilitators referred to in paragraph 6 below;
 - (c) conduct investigations and propose measures to improve the Office's working conditions and environment;
 - (d) perform such other functions as may be necessary for the implementation of the Procedure.
4. The Ombudsperson shall act in complete independence and shall be afforded all facilities necessary to allow him or her to perform his or her functions autonomously.
5. Representations relating to a reasonable and honest concern with regard to the legality of a workplace practice relating to conditions of work or employment ("whistle blowing"), with the exception of allegations falling within the scope of Part XIII (sections 13.10 and 13.30) of the Financial Rules, shall be submitted directly to the Ombudsperson by the staff member(s), or the Union acting on their behalf, as soon as possible.
6. The Director-General and the Staff Union shall jointly appoint a certain number of Grievance Resolution Facilitators to perform the duties relating to the resolution of grievances, as set out in Section II above and in Rules adopted pursuant to Section VI.

V. Establishment of a Joint Panel

1. There shall be established a Joint Panel for the resolution of grievances, composed of a Chairperson and two titular members. The Director-General and the Staff Union shall each appoint one of the titular members as well as four substitute members. At least three of the five substitute members should be serving in different regions of the Organization.
2. The Director-General and the Staff Union shall agree on the appointment of a Chairperson. That person shall be legally trained with the requisite independence, competence and experience. He or she shall be appointed by the Director-General for a period of two years, renewable (by the Director-General in agreement with the Staff Union) for not more than one further two-year period.
3. The Chairperson shall not, at the time of appointment, be an official or other employee of the Office and shall not have an immediate family member who is employed by the Office. Upon termination of the appointment, he or she shall not be appointed as an official or be remunerated in any way by the Office for a period of five years.
4. The members of the Joint Panel shall hold office for a period of two years, renewable for one further two-year period.
5. Participation in the work of the Joint Panel shall be considered as part of official duties. All officials required to participate in the work of the Joint Panel shall be released from their normal duties to the extent necessary.
6. All members of the Joint Panel shall act in an independent and impartial manner. During their terms of office and thereafter, they shall refrain from any declaration or action that may adversely affect the standing of the Joint Panel or the dignity of parties to cases before the Joint Panel. They shall at all times respect the confidentiality of proceedings before the Joint Panel.
7. Members of the Joint Panel shall not take part in the consideration of any grievance in which they may have an interest or could be perceived as having an interest or where there is any other factor in the case which could affect, or be perceived as affecting, their impartiality.
8. The Director-General, in agreement with the Staff Union, shall nominate an official to act as Secretary to the Joint Panel, reporting to the Chairperson. The Secretary shall undertake his or her duties in an independent and impartial manner and shall not take part in the Joint Panel's deliberations.

VI. Other Rules

1. The Ombudsperson and the Joint Panel shall adopt such supplementary provisions as they may consider necessary or desirable for the fulfilment of their mandates. These provisions should be compatible with the Collective Agreement on a Procedure for the Resolution of Grievances, with the principles of natural justice and with these Regulations.
2. The Director-General, in agreement with the Staff Union, shall adopt provisions concerning the replacement of the Joint Committee provided for under article 10.5 of the Staff Regulations by the Joint Panel provided under Section V above in respect of the following procedures:
 - appeal under article 6.4 (Withholding of increment);
 - appeal under article 6.11 (Transfer to duties and responsibilities attaching to a lower grade);
 - appeal under article 11.5 (Termination on reduction of staff)
 - appeal under article 11.8 (Termination for unsatisfactory services)
 - proposal for the application of one of the sanctions other than a warning or reprimand provided for in Chapter XII of the Staff Regulations.
3. In relation to the procedures identified in paragraph 2 above, the relevant provisions of Annex IV to these Regulations remain in place until such time as those procedures have been amended in accordance with a collective agreement or otherwise in agreement between the Director-General and the Staff Union.