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WIPO COORDINATION COMMITTEE

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PROPOSED REVISION OF THE STAFF REGULATIONS AND STAFF RULES

Memorandum by the Director General

I. INTRODUCTION

1. The attached revised Staff Regulations and Staff Rules, as set in Annex I and II, have been developed in response to Member States' desire for improvements in the functioning and performance of the International Bureau. They aim to meet the need for an improved human resources management regulatory framework which will better support:

- (i) the Organization's corporate culture and values,
- (ii) the efficiency of its business and managerial processes, particularly in view of the forthcoming design of the Enterprise Resource Planning (ERP) system, and
- (iii) the proposed rationalization of WIPO's framework of staff contractual arrangements.

2. The International Bureau has recognized the need for a thorough review and update of its human resources policies and procedures. Reviewing the regulatory framework is an essential first step. This will in turn facilitate the review of core human resources management business policies and processes, and will help identify opportunities for simplification and efficiencies, supported by best-practice based Information Technology solutions which are fully compliant with the regulatory framework.
3. In March 2009, the Director General established a Working Group on HR Contract Reform, with an initial mandate to develop proposals to rationalize WIPO's framework of contractual arrangements and the supporting regulatory framework. The Working Group comprised representatives of all internal stakeholder groups, namely, Program Managers, Staff Council, Department of Finance, Budget and Program Management, Human Resources Management Department, Office of the Legal Counsel and the Office of the Director General. In addition to drawing on internal and external reviews and reports on human resources management in WIPO, the Working Group was guided by the recommendations published by the International Civil Service Commission (ICSC) on a *Framework of Contractual Arrangements as a guide for the Organizations of the United Nations Common System on Salaries and Allowances*.
4. The Working Group identified a large number of the WIPO Staff Regulations and Staff Rules which would require changes to align them with the revised ICSC Framework of Contractual Arrangements and with best practice in other UN organizations. Rather than proceed on a piecemeal basis, therefore, the Director General mandated the Working Group to undertake a holistic review of the Staff Regulations and Staff Rules and to propose full fledged modifications as required to meet the wider objectives above.
5. The review process highlighted that the existing version of the Staff Regulations and Staff Rules, which dates from 1982 and had been amended over many years, was no longer sufficiently normative in nature as originally intended, but included policy and procedural detail which belonged more appropriately in an Human Resources (HR) Administrative Manual. The Working Group advised, moreover, that an electronic Manual, containing all HR policies and procedures in one source, would be a necessary pre-cursor to the future implementation of WIPO's Enterprise Resources Planning (ERP-IT) system. Such a Manual, to be made available online to all staff members and managers, would guide them in their actions, thereby enhancing transparency and accountability.

6. In view of the above, the approach taken by the Working Group in the revision process was to seek to restore the appropriate levels, retaining high level, normative content in the Staff Regulations as far as possible (except for a number of issues related to salary and allowances normally approved by the United Nations General Assembly), and more detailed norms and provisions in the Staff Rules, with the implementing policies and procedures to be elaborated in an HR Manual.

II. OVERVIEW OF PROPOSED CHANGES

General Provisions

7. The Staff Regulations and Staff Rules in this area have been revised to reflect the changes introduced throughout the revised Staff Regulations and Staff Rules.

Duties, Obligations and Privileges

8. The revised Staff Regulations and Staff Rules in this area introduce a greater emphasis on basic rights and obligations of staff members. Of particular importance is the inclusion of the *ICSC Standards of Conduct for the International Civil Service* as part of the core values to be followed by staff members. The introduction in the Staff Regulations and Staff Rules of the principles prohibiting instances of conduct such as discrimination or harassment, including moral, sexual or gender harassment or abuse, reinforce the existing Organizational policies and procedures on this issue. A number of proposed amendments bring the Staff Rules into line with the requirements of the WIPO Financial Regulations and Rules to reinforce accountability principles and practices, at all levels in the organization, regarding the management of the Organization's financial resources, human resources, property, assets and information.

Classification of posts and grading of staff

9. The revised Staff Regulations and Staff Rules in this area introduce a clearer relationship between the levels of classification of posts and the grading of staff according to the nature and level of functions and responsibilities. This change reinforces the principle of equal pay for equal work. Furthermore, the adherence to the classification standards promulgated by the ICSC are reinforced in the revised Staff Regulations and Staff Rules.

Salaries and Allowances

10. The revised Staff Regulations and Staff Rules on this subject incorporate a number of allowances applicable to the United Nations Common System of Salaries and Allowances, which had not been incorporated in the past, particularly those related to duty stations outside Geneva. The revision also allows an improved alignment with the Staff Regulations and Staff Rules of other UN Organizations, Funds and Programs and Specialized Agencies.

Appointment, Recruitment, Promotion and Transfer - including Revised Framework of Contractual Arrangements

11. These proposed amendments are designed to improve program delivery in WIPO, taking account of the proposed ICSC framework and in line with other key areas of reform initiatives in the management of the Organization, in particular the implementation of results-based management. The call for effective reform in the area of human resources management, including the streamlining of contractual arrangements, is being heeded across the United Nations Common System. Improved, more responsive contractual arrangements and conditions of service, which will enable WIPO to attract and retain talented staff at all levels, particularly in specialized areas where the Organizations are at a disadvantage vis-à-vis other competitive employers, are central to the successful delivery of WIPO's strategic objectives.

12. The proposed changes aim at ensuring that future contractual arrangements serve WIPO's programmatic and operational needs, through the introduction of greater fairness and equity among staff and their conditions of service. The relative cost increase associated with greater equity in pay and benefits needs to be balanced against the positive impact on staff members' productivity and performance, as well as the lower administrative and transactional costs of the proposed revised framework.

13. As previously stated by the Director General, there is a long overdue need to review the temporary functions in place and the number of employees holding a variety of short-term contractual arrangements for many years. The need for temporary staff has in the past been inadequately planned and monitored, leading to high levels of dissatisfaction on the part of managers and staff alike. Although intended to ease administration, the increase in the number and types of temporary arrangements have proven to be cumbersome and time consuming. Moreover, temporary staff are expected to meet the same high standards of performance and effectiveness as colleagues with fixed-term or permanent appointments, while not enjoying the same conditions of service nor minimum employment expectations.

14. The proposed revised contractual arrangements comprise three types of appointments:

(i) Continuing appointment: this is an appointment without a time limit, to be granted after a minimum of five years uninterrupted active service on fixed-term appointments and certified satisfactory performance and conduct. The continuation of service on such appointments will be subject to such factors as the continuing need for the function and availability of funding.

(ii) Fixed-term appointment: this is a time-limited appointment of one year or more. In line with the ICSC recommendations, WIPO will introduce “probationary appointments” for the initial fixed term appointment which may be extended for a second year subject to conditions established by the Director General. Fixed-term appointments may be extended provided that the total duration of service under consecutive appointments does not exceed five years. Exceptionally, service on such appointments may be extended for up to one additional year. During this time, the staff member’s performance and competencies will be assessed with a view to possible subsequent conversion to a continuing appointment.

(iii) Temporary appointments: this is a time-limited appointment of up to two years to meet short-term needs, such as peak workloads and other specific time-limited requirements or projects. When a temporary function is identified to be of a longer term nature, the use of temporary appointments pending the approval of the creation of a post and availability of funding can support the implementation of ongoing activities. This will in turn provide the necessary flexibility for improved human resources management planning.

15. The introduction of the Performance Management and Development System will bring about greater transparency, openness and accountability in the management of the performance of staff members. This in turn will promote more objectivity and fairness in the decisions related to conversion or extensions of all staff to fixed-term or continuing appointments.

16. Planning and monitoring of temporary needs and functions will be significantly strengthened under the proposed temporary appointment system. In accordance with the principles of managerial accountability and responsibility for program delivery, managers will be expected to take considered, informed decisions with regard to both the duration and the nature of the functions required to meet the Organization’s needs. Contracts will be simpler to administer and the efficiency of program delivery will be improved by no longer requiring a break in service irrespective of program needs.

17. At the same time, staff members will benefit from reliable information on available temporary opportunities as indicated in the HR management plans, as well as increased certainty regarding the duration of their employment. This will allow staff members to manage their personal and professional lives better, while enjoying increased fairness and equity in their conditions of service. The Organization's competitiveness and its capacity to attract competent and experienced staff members to meet temporary needs will be significantly increased, particularly at a time when the number of competitor employers is increasing in the fields where WIPO is trying to attract new profiles.

18. To summarize, the proposed framework of contractual arrangements has a number of significant features:

(i) the nature and duration of contracts will be directly linked to concrete and approved Human Resources Management Plans.

(ii) an initial "probationary" appointment is introduced for all new fixed-term appointments.

(iii) the maximum duration of any temporary function will be a continuous period of two years. For any function required beyond that period the manager must request well in advance the establishment of a post, to be approved through the established planning and budgeting process.

(iv) Fair and transparent conditions of service will be rooted in the principle of equal pay for equal work, which as a result recognize equally and equitably the value of the work and contributions of all deserving staff, be they on contracts of temporary, fixed-term or continuing nature.

(v) Entitlements will vary according to duration of the assignment and the length of continuous service, rather than the type of contract.

(vi) Permanent appointments will be replaced by continuing appointments.

(vii) Temporary, fixed term and continuing appointments will carry the status of full staff members. No other employment contracts will do so.

19. The proposed changes in contractual arrangements are expected to facilitate:

(i) Performance management, competency development and accountability for the Organization, its managers and its staff;

(ii) The alignment of contract types with resources foreseen in approved human resources plans, in accordance with the duration and nature of the functions concerned;

(iii) The streamlining and ease of administration of contracts.

20. In addition, in this area of the revised Staff Regulations and Staff Rules it is proposed to reinforce the streamlining of selection procedures, whereby post managers will be required to assume an enhanced responsibility and accountability in the process of selecting staff for their units.

Annual and Special Leave

21. The revised Staff Regulations and Staff Rules in this area provide additional normative clarity to the entitlements of staff in this area. Furthermore, a number of new Staff Rules would align the International Bureau with the best practices of other UN Organizations, Funds and Programs.

Social Security

22. The revised Staff Regulations and Staff Rules in this area incorporate and regulate a number of practices already in place, as well as aligning the International Bureau with best practices of other UN Organizations, Funds and Programs.

Travel and removal

23. The revised Staff Regulations and Staff Rules in this area have been revised to be normative in nature. The more detailed provisions will be incorporated in the HR manual. They also seek to align the International Bureau with best practices of other UN Organizations, Funds and Programs.

Staff Relations

24. The Staff Regulations and Staff Rules in this area have been revised to enhance staff management relations and establish clear mechanisms for a productive consultative process.

Separation from Service

25. The Staff Regulations and Staff Rules in this area have been revised to define more clearly the policies and procedures under which separations from service may take effect.

Disciplinary measures and procedures

26. The Staff Regulations and Staff Rules in this area have been revised to reinforce the provisions and measures taken by the Organization in cases of misconduct. In addition, the principles of due process in cases of alleged misconduct have been further clarified and reinforced. The creation of a Joint Disciplinary Committee regularizes the practice of the International Bureau while also placing it in a better position *vis à vis* the Administrative Tribunal of the International Labour Organization (ILOAT) on appeals related to lack of due process in cases of misconduct.

III. PROPOSED APPROACH FOR REVIEW BY THE COORDINATION COMMITTEE

27. The International Bureau recognizes that the substantial changes proposed to the Staff Regulations and Staff Rules may require detailed explanation and discussion with Member States in order to ensure a common understanding of the proposed amendments. It is proposed, therefore, to conduct these discussions through informal meetings with Member States over the coming months, prior to convening an extraordinary session of the Coordination Committee in early July 2010, at which the Committee would be invited to approve the changes to the Staff Regulations and to take note of the changes to the Staff Rules

28. The WIPO Coordination Committee is invited to note the information contained in paragraphs 1 to 26 above regarding the proposed revision of the WIPO Staff Regulations and Staff Rules as set out in Annexes I and II; and to approve the approach proposed in paragraph 27.

[Annex follows]