



## IHO Working Group on Staff Regulations

### 2. Meeting

UKHO, Taunton

28.4.-29.4.2009

### Summary Minutes

Participants:

Ms. Hering (chair)  
Mr. Hooton (UKHO)  
Ms. Davis (UKHO)  
Adm. Maratos (Pres. IHB)  
Ms. Williams (IHB)  
Dr. Trümpler (BSH)

#### 1. Adoption of Agenda

Ms. Hering welcomes the members of the working group. The Agenda (attachment 1) is adopted with the following change: Point 7 will be "Any other Business".

#### 2. Confirmation of the Minutes

The group agrees to the minutes of the last meeting. Adm. Maratos confirms that results of the SRWG are not to be considered by the IHO conference in June, but that they should be disseminated to Member states by Circular Letter.

#### 3. Discussion of salary options

Ms. Davis presents the updated UK proposal on salary progression (attachment 2). The group discusses the proposal extensively, taking into account i.a. the following documents:

- E-mail Exchange between Adm. Maratos and Ms. Davis (attachment 3)
- Submission of the IHO Staff (attachment 4)
- Comments of the United States (attachment 9)

The group noted that the IHB had prepared in the annotated draft Staff Regulations 2008 a simplified progression table for Cat. B staff, merging the existing three tables for Cat. B, Cat. B1 and B2 into one table. The group also noted that at this point in time, only 9 staff members would be affected by a change in the salary tables for Cat. B staff.

As a result of a thorough discussion, the following consensus was found:

- A performance based progression system based on the current UK proposal should be recommended by the group.

- In a small group the strict progression of the best staff based on a standard distribution can lead to inequitable results and undesirable frictions within the staff.
- The group agreed to make the “Performance Zone” in the UK proposal more flexible, possibly by introducing a time based track for staff performing up to expectations.
- The group agreed that a transparent, open, clear and visible system for performance review needs to be put in place and implemented at the IHB.
- The group agrees that Cat. C staff should be integrated into the new pay scale.

Concerning the comments by the US, the group expects the UK proposal – now and in a revised version – to be cost neutral. An estimate of the impact will be provided by Ms. Davis. The non-consolidated bonus is intended to be based on performance assessments each year. The minimum time to be spent in one salary step is supposed to be one year. The table can be clarified accordingly.

#### **4. Discussion of health care options**

Ms. Williams informed the group that the staff are happy with the current system and does not wish to change it.

Ms. Hering presented her preliminary findings on the possibility of joining the UN Society (attachment 7). The group noted that this approach would result in substantial changes to the current system, but solve a number of administrative issues that would otherwise have to be dealt with within the current system (entitlement of retired staff outside Monaco and France, details of benefits, questions of coverage after leaving the organisation). It would also merge the employees of the IHB with a larger risk pool, thus reducing the potential of outlying risks to burden the budget of the IHB.

The group agreed that transitional arrangements would have to be made for the current staff. Ms. Hering pointed out that contributions by staff could be offset by a decrease in internal tax. The group agreed to further evaluate the option of joining the UN Society and gave a mandate to Ms. Hering to contact the Chief and Executive Secretary of the UN Society to investigate the possibilities of an agreement between the IHO and the IHB in detail.

Information needed for this evaluation (i.e. a table of staff of the IHB and their current salary/pensions) will be provided by the IHB.

#### **5. Conditions of Service/ Entitlements**

The group reviewed the table prepared by Ms. Ward (attachment 6).

The group feels itself bound by the decision of the Finance Committee on salary increases for Directors (cf. Finance Committee Circular 05/2003, attachment 8), as reflected by the 2004 Staff Regulations and agrees to retain the 2004 wording on that issue.

The group then extensively discussed the rationale for some of the differences between the current UN rules and the IHO rules, as well as for the differences between Cat. A and Cat. B and C staff. The group considered that the IHO is a small International Organisation with solely one office in Monaco; it considered that the Cat. A and Cat. B staff are typically “locally recruited” while the Directors and Cat. A staff are typically “internationally recruited”. It also considered that the Cat. B staff usually serve with an expectation to stay at the IHB until retirement age, while the Cat. A staff is employed on an –extendable– fixed term basis. The group therefore agreed to bring the entitlements of Directors and Cat. A staff in line with the UN system, while the Monaco

system (CCSS or Monaco civil service) will be used as the basis for the entitlements of the Cat. B and C staff.

- (1) Rental subsidy: the group recommends adopting the UN system for Directors and Cat. A staff, while the possible cost implications have to be evaluated.
- (2) Dependency benefits: the group recommends adopting the UN system for Directors and Cat. A staff, while keeping the CCSS as a model for Cat. B and C staff.
- (3) Education Grant: The Group recommends keeping the current system, as this conforms to the basic decision taken. However, there should be no "School Grant" for Directors and Cat. A staff.
- (4) Language Allowance: Considering the special situation at the IHB, and the hiring profile for Cat. A staff and Directors the group considers it not necessary to introduce a language allowance for Cat. A staff and directors. The language allowance for Cat. B and C staff should be retained in the present form.
- (5) Sick leave: The group noted that Art. 29 of the General Regulations requires special sick leave regulations for Directors and recommends that Directors be granted 6 months of sick leave on full pay. The group recommends that the UN system is adopted for Cat. A staff. The group requests a review of the conditions in the Monaco Civil Service.
- (6) Annual Leave: The group recommends keeping the current regulations.
- (7) Family Leave: The group recommends keeping the UN regulations for Directors and Cat. A staff and requests a review of the Monaco regulations.
- (8) Maternity Leave: The group recommends the adoption of the UN regulations (ie to keep the existing staff rules) for Cat. A staff and Directors, while adopting the CCSS rules for Cat. B and C staff.
- (9) Paternity Leave: The group recommends the adoption of the UN regulations for Cat. A staff and directors. The group requests a review of the Monaco regulations.
- (10) Marriage leave: The group recommends dispensing with marriage leave for Cat. A staff and directors, as Family leave could be taken for that occasion. The group requests a review of the Monaco regulations.
- (11) Death leave: as Marriage leave.
- (12) Home leave travel: The group recommends the adoption of the UN regulations for Cat. A staff and Directors.
- (13) Travel upon assignment and separation: The group recommends to adopt the UN regulations for Cat. A staff and directors, as well as Cat. B and C staff recruited outside a radius of 100 km from Monaco. The group considered that Cat. B and C staff might not in every case be "locally recruited" and that the IHO is an International Organisation. Therefore, exceptions to the basic principle for Cat. B and C staff seem justified.
- (14) Unaccompanied shipment upon separation: As Travel upon assignment and separation.
- (15) Assignment grant: As Travel upon assignment and separation.
- (16) Repatriation Grant: In principle as Travel upon assignment and separation. However, this is subject to a closer evaluation of UN regulations and an estimation of the impact on the IHO budget.
- (17) Termination Indemnity: The group recommends that the UN regulations for fixed term staff be adopted for Cat. A staff and Directors, while the UN regulations for continuing staff be adopted for Cat. B and C staff. The group requests a review of the Monaco regulations. The group noted that it should be decided whether termination indemnity be given to Directors who leave the IHB subject to Art. 29 of the General Regulations.
- (18) Death Benefit: The group recommends that for employees paying into the IRF, rule A.6 (a) should apply. For employees with personal retirement plans these would need to be reviewed. If they make adequate provisions for the case of death, regulation in the staff rules would be obsolete.
- (19) Bonus: The group does not recommend a change to the existing system.

(20) Holidays: The group discusses the issue of holidays extensively, taking into consideration the proposals submitted by the IHB staff. The group considers it coherent with the approach to the benefits above, where the regulations for the Monaco Civil Service are taken as a basis for the Cat. B staff. The group also does not expect it to be in the interest of efficient work of the IHB, when holiday regulations differ amongst employees. The group therefore agrees that the holidays for the IHB staff shall be those officially promulgated for the civil servants of Monaco. The IHB will provide the details of where the list is to be found and what the exact citation is.

The group does not see a basis for continuing the practice of having the time between 24.12. and 01.01. in effect treated as holidays. The group recognises that in a small international organisation, it might be beneficial for transparency and the organisation of the work to close the office between December 24th and January 1st. However, staff must take vacation time or accumulated overtime to compensate for any lost working days in that period.

The group notes that the combined effect of both measures will not result in a significant deterioration of the status quo for the staff.

## **6. Proposals by IHB staff (attachment 4)**

The Working Group discusses the proposals submitted by the IHB staff.

Proposal 1: The proposal concerning holidays has been addressed in the previous discussions.

Proposal 2: The group agrees that the current staff regulations are an instrument under international law the interpretation of which is covered by the Vienna Convention on the Law of Treaties.

The regulations are adopted by member states and are not the result of an agreement between staff and executive officers. This is a well established practice in other International Organisations as well.

Chapter XIII of the Staff Regulations provides an adequate dispute settlement mechanism, with the ILO established as the final arbiter.

The whole of the Staff Regulations as well as disputes fall in the sphere of international law, leaving no place for Monaco law (unless a connection is established by explicit reference).

This interpretation is consistent with the Host Agreement.

The group notes that any change in the Staff Regulations with a potentially negative impact on the acquired rights of the staff would need to be accompanied by suitable transitional arrangements. These arrangements should however not perpetuate unequal treatment of staff but result in a unified regime for all staff members within a reasonable time.

Proposal 3: Adm. Maratos informs the group that the current regulation (Cat. A Staff gets a maximum 2+2+5 year term and then have to stand external competition) is based on a 1992 Conference decision (Decision No. 54) that has been confirmed by a 1997 Conference decision (Decision No. 52). The group agrees with the US comments (attachment 10) on the proposal.

Proposal 4: The group notes that the proposal is not in line with the recommendation of the Finance Committee Working Group which was approved by Member States by Circular Letter (FCCL 5/2003 and FCCL 2/2004). The group agrees that it does not have jurisdiction to open the question of alignment to the UN pay scale again.

The group notes that the proposal is inconsistent, as it proposes alignment based on the UN system and increases based on the awards to the Monaco Civil Service.

Proposal 5: The group considers this proposal outside its jurisdiction as part of the agreement reached in the Finance Committee.

Proposal 6: Has been extensively covered in previous discussions.

## 7. Any other business

Adm. Maratos points out that the regular employment time for Directors under the new structure and Cat. A staff is 9 years but entitlement to social benefits requires a 10 year employment time. The group notes that this is, in essence, a question of entitlement to health care, as the personal pension plans now in force for employees, for whom this question might arise, makes provision for contributions for less than 10 years.

The group notes that if the UN system for health care is adopted, the issue of coverage would be governed by detailed regulations and possibly the agreement between the IHO and the UN Society. It agrees to address the question depending on the results obtained by the chair in this matter.

On the issue of rehiring Cat. A staff after they have stood for external competition, Adm. Maratos points out, that the Staff Regulations in Chapter V.10.1 only cover the first period of 9 years (ie 2+2+5 years) explicitly.

The group notes that in the case of another employment following a successful external competition (Regulation V.10.1.(c)) the present Staff Regulations only require the new contract to be no less than two years (Regulation V.10.1.(a). All other condition are subject to the discretion of the DC.

Any such contract will be a continuation of the employment of the staff member, however not necessarily a continuation of the contract. This will be subject to the terms of the contract or letter of employment.

Adm. Maratos informs the group that the Finance Committee is currently looking into the question whether Directors could be eligible for supplementary benefits under the Monaco AMRR scheme.

On the issue of tax reimbursement (Regulation IV.3): The group agrees that the regulation on tax reimbursement should be drafted in a way that any tax is only reimbursed to the staff member, if the respective government has reimbursed the IHO first.

## 8. Future Work

The group agrees to recommend the re-establishment of a permanent sub-committee (to meet every one to two years) to monitor the conditions of service of the staff and to recommend changes to the staff rules as appropriate.

Develop more flexible approach for "performance zone". Estimate cost impact.	Ms. Davis	July 2009
Propose transitional arrangement for introduction of pay scale	Ms. Davis	August 2009
Approach UN Society on possibility and details of joining	Ms. Hering	July 2009
Compare Cost of joining UN Society with existing cost	Adm. Maratos, Ms Hering	July 2009

Provide draft guidelines for performance review	Ms. Hering	July 2009
Draft staff regulations and staff rules as outlined in Minutes, SWRG 1, 5.a), incorporate changes to benefits as indicated in 5.	Mr. Hooton, Ms. Ward	August 2009
Review personal retirement plans (18)	Adm. Maratos	July 2009
Estimate impact of decisions under 5 on IHO budget	Adm. Maratos	July 2009
Review of the questions under 5 concerning the regulations in the Monaco Civil Service, the CCSS and where appropriate, both, regarding certain entitlements; review UN regulations for (16)	Ms. Williams	June 2009

Next meeting is proposed for two days in the time between October 12<sup>th</sup> and 14<sup>th</sup> in Hamburg.

For the protocol

Dr. Trümpler

#### Attachments

1. Agenda
2. UK proposal on salary progression, 08.03.2009
  - 2.1 Excel file:
    - 2.1.1 Table: Original Values
    - 2.1.2 Table: New Values
    - 2.1.3 Table on transition
    - 2.1.4 Table: Salary bands
    - 2.1.5 Table: Cost Projection
    - 2.1.6 Table: Scheme Charts
  - 2.2 Document: Review of Salaries for Category B and C Staff employed by the IHB
3. E-Mail correspondence between Adm. Maratos and Ms. Davis, 01.04.2009
4. Submission to the SWRG by the IHB Staff, 23.04.2009
5. Provisional U.S. Comments: Comparison of Entitlements, 22.04.2009
6. IHO-UN Comparison of entitlements, draft 22.4.2009
7. Paper by chair on the option of joining the UN Society, 24.04.2009
8. FCCL 5/2003
9. Provisional U.S. Comments: IHO Salary Scale, 22.04.2009
10. US comments on proposal by IHB staff, 27.04.2009

A list of currently employed Cat. B and C. Staff was circulated to the members of the group. The list will not be reproduced for reasons of privacy protection.