

Staff Regulations

REGULATION 1

- 1.1 These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the North Pacific Fisheries Commission (hereinafter called the "Commission"). These regulations do not apply to persons in Regulation 11.2.

REGULATION 2

DUTIES, OBLIGATIONS AND PRIVILEGES

- 2.1 The Executive Secretary and staff members of the Secretariat (hereinafter "staff members") are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves in the best interests of the Commission.
- 2.2 For the purposes of these regulations the term "dependent" shall include only:
- (a) the employee's spouse or domestic partner (hereinafter referred to as "spouse");
 - (b) any unsalaried child, who is born of, or adopted by, a staff member, his or her spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or his or her spouse for main and continuing support;
 - (c) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
 - (d) any child with a disability who is dependent on a staff member or his or her spouse for main and continuing support;
 - (e) any other child who is given a home by and is dependent on a staff member or his or her spouse for main and continuing support;
 - (f) any person related by blood or marriage for whose main and continuing support a staff member or his or her spouse is legally responsible.

- 2.3 Staff members shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always exercise the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might potentially be detrimental to the Commission and its aims.
- 2.4 Staff members shall not be the subject of discrimination on the basis of age, race, color, creed, gender, sexual orientation, disability or national origin.
- 2.5 In the performance of their duties, staff members shall neither seek nor accept instructions from any government or authority other than the Executive Secretary. In the case of the Executive Secretary, he or she shall neither seek nor accept instructions from any government or authority other than the Commission.
- 2.6 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorization for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.
- 2.7 Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere or represent a conflict of interest with their duties in the Commission, and that prior authorization by the Executive Secretary has been obtained. The Commission's prior authorization shall be obtained in respect of the Executive Secretary.
- 2.8 No staff member may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest.
- 2.9 Staff members shall enjoy the privileges and immunities to which they are entitled under the AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE NORTH PACIFIC FISHERIES COMMISSION REGARDING PRIVILEGES AND IMMUNITIES OF THE NORTH PACIFIC FISHERIES COMMISSION, and such other privileges and immunities as may be decided.

- 2.10 The Commission shall sit as a body to hear grievances from staff members regarding human resource related matters, where other less formal attempts at resolution have not met with success. For staff members' grievances, the Commission may instruct the Executive Secretary to undertake other actions where the Commission deems that a grievance hearing is not appropriate. The Commission's decision is final and not subject to appeal.

REGULATION 3 HOURS OF WORK

- 3.1 The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week.
- 3.2 The Executive Secretary shall establish the working hours and may, in consultation with staff members, alter them for the benefit of the Commission as circumstances may require.

REGULATION 4 CLASSIFICATION OF STAFF

- 4.1 Staff members shall be classified in either of the two following categories:
- (a) Professional Category (Positions of high responsibility of a managerial, professional, or scientific nature)
These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Staff members in this category will be recruited internationally.
- (b) General Services Category (Auxiliary administrative and technical positions. Clerical, secretarial and other office personnel)
Such staff shall be recruited from among citizens of members of the Commission, taking into account potential benefits that may occur from hiring staff locally.
- 4.2 Persons employed under Regulation 11 shall not be classified as staff members.

REGULATION 5 SALARIES AND OTHER REMUNERATION

- 5.1 The scale of salaries for staff members in the professional category shall be established by the Commission, taking into account the scales of salaries which would apply to officials of the United Nations Secretariat employed in Japan as well as the salaries of government officials working in Japan. Such salaries shall be paid in Japanese Yen.
- 5.2 Staff members in the general services category shall, in principle, be paid at rates equivalent to those paid in Japan for staff of equivalent qualifications and experience.
- 5.3 Performance reviews shall be completed for all staff members by the Executive Secretary on an annual basis. A summary of the performance reviews will be provided to the Commission annually. The annual performance review of the Executive Secretary shall be completed by the Commission.
- 5.4 The salaries of staff members shall be reviewed annually by the Commission taking into account the cost of living in the host country and the performance of each staff member concerned, based on an annual performance review.
- 5.5 Staff members of the Commission subject to national income tax shall be eligible for reimbursement of the tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the staff member's home country.
- 5.6 Staff members in the professional category are not entitled to overtime pay or compensatory leave.
- 5.7 Staff members in the general services category required by the Executive Secretary to work more than 40 hours during one week will be compensated. The method of compensation will be determined by the Executive Secretary in consultation with the staff member and shall include one of the following options:
 - (a) with compensatory leave equivalent to hours of overtime performed; or
 - (b) by remuneration per overtime hour, to be estimated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.14, at the rate of double time.

- 5.8 The Commission shall pay duly justified and authorized representation expenses incurred by the Executive Secretary in the performance of his or her duties within the limits prescribed annually in the Budget.

REGULATION 6

RECRUITMENT AND APPOINTMENT

- 6.1 In accordance with Article 5.9 of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (hereinafter called the "Convention"), the Commission shall appoint the Executive Secretary and shall establish his or her remuneration and such other entitlements as it deems appropriate.
- 6.2 In accordance with Rule 6.2 and 6.4 of the Rules of Procedure of the Commission, the Executive Secretary shall appoint, direct, and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.
- 6.3 Offers of appointment to the Secretariat may require the persons selected to undergo a medical examination and present a certificate stating that they have no medical condition that might prevent them from performing their duties.
- 6.4 Upon selection, each prospective staff member shall receive an offer of appointment stating:
- (a) that the appointment is subject to the staff regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations from time to time;
 - (b) the nature of the appointment;
 - (c) the date on which the staff member is required to commence duty;
 - (d) the period of appointment, the notice required to terminate it and the period of probation;
 - (e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
 - (f) any special terms and conditions which may be applicable.
- 6.5 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

REGULATION 7

LEAVE

- 7.1 Staff members shall be entitled to annual leave at the rate of two and half workdays for each full month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 30 workdays may be carried over to the following year.
- 7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.
- 7.3 Annual leave may be taken in one or more periods. The total amount of annual leave taken in any calendar year shall not be longer than 45 days under any circumstances.
- 7.4 Any absence not approved within the terms of these Regulations shall be deducted from annual leave.
- 7.5 Staff members who, upon termination of their appointment, have accumulated annual leave that has not been taken shall receive the cash equivalent estimated on the basis of the last salary received.
- 7.6 Staff members shall be entitled to sick leave at the rate of one and one quarter days for each full month for service. Sick leave is cumulative and may be accrued without limit. Accrued sick leave is not subject to payment upon termination or separation from employment.
- 7.7 Staff members shall not be granted sick leave for a period of more than 3 consecutive days without producing a medical certificate.
- 7.8 Staff members shall be granted certified sick leave not exceeding 12 months in any 4 consecutive years. The first 6 months shall be on full salary and the second 6 months on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months.

- 7.9 Sick leave may also be used to care for a staff member's spouse, child or parent with a serious health condition.
- 7.10 Staff members shall be entitled up to twelve weeks of family leave per calendar year for (a) the birth of a child and to care for the newborn child within one year of birth; or (b) the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement. During this period staff members shall receive full pay.
- 7.11 Staff members shall be entitled to bereavement leave of up to five days upon the death of an immediate family member and up to three days for a relative other than an immediate family member. Reasonable travel time to and from destination will not be counted under these limits.
- 7.12 After 18 months of service the Commission shall, in accordance with Regulations 9.3 and 9.4, pay travel expenses to the staff member's home country on annual leave for internationally recruited staff members and their dependents. Following this, home leave shall be granted at two-year intervals provided that:
- (a) dependents who benefit from this Commission grant have resided in Japan for at least 6 months prior to travel;
 - (b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.
- 7.13 The possibility of combining travel to home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.
- 7.14 Staff members shall be entitled to the statutory holidays in Japan, i.e.: (Annex : List of Holidays), and other holidays that may be designated by the Government of Japan from time to time, such as for national elections and other special circumstances.
- 7.15 If under special circumstances staff members are required to work on one of the aforementioned days the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the needs of the Commission.

REGULATION 8

SOCIAL SECURITY

- 8.1 It is a condition of employment that each staff member will contribute to a recognized retirement fund and have adequate medical, hospital, life and disability insurance cover to the satisfaction of the Executive Secretary. Such insurance cover shall include adequate provision for dependents. The Commission shall pay two-thirds of the total contribution to the retirement fund and of the insurance premiums, up to the maximum percentage applying in the United Nations Secretariat from time to time of the total of the staff member's salary. Such payment shall be by way of reimbursement upon the production of receipts, or shall be paid direct together with the employee's contribution.
- 8.2 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves dependents, in which case these shall be entitled to mortality allowances and return travel and removal expenses to country of origin or former residence at the expense of the Commission.
- 8.3 Eligibility of the dependents of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death. The Executive Secretary may extend this period in the case of special circumstances: e.g., to allow a dependent child to finish a school term.
- 8.4 The above mortality allowance for death shall be calculated in accordance with the following scale:
- | Years of Service | Months of Net Base Pay Salary Following Death |
|---|---|
| Less than 3 years | 3 months |
| 3 years and more, but less than 7 years | 4 months |
| 7 years and more, but less than 9 years | 5 months |
| 9 years and more | 6 months |
- 8.5 The Commission shall pay for shipment of the staff member's remains and personal effects from the place of death to the place designated by the spouse, next of kin, or other individual(s) designated by the staff member.

REGULATION 9

TRAVEL

- 9.1 All official travel shall be authorized by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfillment of duties assigned.
- 9.2 With regard to official travel, a travel allowance, generally consistent with United Nations practice, may be paid in advance for fares and daily living expenses. However, charges for hotel accommodations shall be paid based on charges actually incurred.
- 9.3 Official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost.
- 9.4 Whenever feasible, economy class travel shall be used for all travel.
- 9.5 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.
- 9.6 On taking up an appointment in the Professional Category staff members shall be eligible for:
 - (a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouses and dependents from their place of residence to Japan;
 - (b) an Installation Grant calculated on the basis of the prevailing United Nations rate;
 - (c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Japan, subject to a maximum volume of 30 cubic meters or one international standard shipping container,
 - (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.
- 9.7 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorization of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the

Government Service in Japan. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

REGULATION 10

SEPARATION FROM SERVICE

- 10.1 Staff members may resign at any time upon giving three months' notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.
- 10.2 The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the Commission or of any of its constituent bodies, or if the Commission would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in the rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action (e.g. suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one (1) month in advance subject to the prior notification of the Chair of the Commission.
- 10.3 In the event of involuntary separation from service with the Secretariat, staff members shall be compensated at a rate of two weeks base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of duties imposed in Regulation 2.
- 10.4 On separation from service, a staff member shall, subject to Regulation 10.5 below, be entitled to the following:
 - (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his or her family;
 - (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Japan to the country of origin or former residence, subject to a maximum volume of 30 cubic meters or one international shipping container;
 - (c) a repatriation allowance generally consistent with United Nations' practice.

- 10.5 At the discretion of the Executive Secretary, the right to the repatriation expenses provided for in Regulation 10.4 may be cancelled or reduced appropriately if:
- (a) the staff member fails to provide the three months advance notice as specified in paragraph 10.1;
 - (b) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
 - (c) the reason for separation from service was termination of employment due to gross dereliction of duty;
 - (d) more than six months has elapsed between the staff member's separation from service and his or her return to his or her country of origin or former residence;
 - (e) less than six months has elapsed since the staff member last visited his or her country of origin or former residence on home leave at the expense of the Commission; or
 - (f) the staff member has applied for or received status as a permanent resident of Japan.
- 10.6 In the case of serious misconduct by a staff member that threatens the Commission's operations or the reputation of the Commission or its members (for example, a criminal offense such as theft, intentional breach of confidentiality etc.), appointment of the staff member may be terminated without prior warning.

REGULATION 11

TEMPORARY PERSONNEL UNDER CONTRACT

- 11.1 The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.
- 11.2 Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in Japan shall be utilized in such cases.

REGULATION 12

APPLICATION AND AMENDMENT OF REGULATIONS

- 12.1 Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary in consultation with the members of the Commission.
- 12.2 Situations involving the Executive Secretary shall resolved by the Chair in consultation with members of the Commission.
- 12.3 Matters not foreseen in these Staff Regulations that materially affect the operation of the Secretariat or the working conditions of the staff shall be brought to the attention of the Commission by the Executive Secretary.
- 12.4 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.