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The ICAO Service Code

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International Civil Aviation Organization

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THE ICAO SERVICE CODE

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THE ICAO SERVICE CODE

PREAMBLE, SCOPE AND PURPOSE

1. The ICAO Service Code consists of the Staff Regulations embodying the conditions of service and the basic rights, duties and obligations of members of the Secretariat of ICAO, as approved by the ICAO Council.
2. The Secretary General, as the Chief Executive Officer, shall enforce these Regulations and shall lay down and enforce such staff rules consistent therewith as the Secretary General considers necessary.
3. Except where otherwise stated, the present Staff Regulations shall apply to all staff members appointed by the Secretary General.
4. “Staff” or “staff members” shall refer to all persons whose employment and contractual relationship are defined by a letter of appointment subject to these Regulations, as may be amended from time to time by the ICAO Council.
5. Toward the realization of the concept of a truly international civil service, the Organization¹ shall cooperate to the fullest extent practicable with other international organizations, particularly the United Nations, and with the International Civil Service Commission, in the establishment of uniform and progressive personnel standards and practices.
6. In the administration of these Regulations and related rules established by the Secretary General, due regard shall be given to the:
 - a) fair and equal treatment of staff;
 - b) regular assessment of the performance and competency enhancement of staff; and

¹ In these Regulations, reference to “the Organization” is to the International Civil Aviation Organization.

- c) accountability and integrity in the handling of human resources.

STAFF REGULATIONS

Article I

DUTIES, ETHICS, OBLIGATIONS AND PRIVILEGES

Status and Responsibilities

1.1 The Secretary General and staff members at all levels of ICAO are international civil servants and their responsibilities are not national but exclusively international. By accepting appointment they become bound to discharge their functions and to regulate their official conduct with the interest of the Organization only in view. In the performance of their duties they may neither seek nor receive instructions from any Government or from any other authority external to the Organization.

1.2 All staff members are subject to the authority of the Secretary General and are accountable to the Secretary General for the proper discharge of their functions.

Principles of Ethics

1.3 Staff members shall abide at all times during their service with the Organization by the principles and values of integrity, loyalty, independence, impartiality, tolerance and understanding, non-discrimination, gender equality, accountability and respect for human rights.

1.4 Staff members shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organization. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

1.5 The Standards of Conduct for the International Civil Service adopted by ICAO are applicable to all staff members.

1.6 The ICAO Framework on Ethics is set out in Annex I to these Staff Regulations.

Immunities and Privileges

1.7 Any immunities and privileges enjoyed by staff members by virtue of their appointment are conferred only in the interest of the Organization.

Use of Information

1.8 Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except in the course of their duties or by authorization of the Secretary General. They shall not at any time use such information to private advantage. These obligations do not cease upon separation from service.

Honours and Gifts

1.9 No staff member shall accept any honour, decoration or favour, gift or remuneration from any Government or from any other source external to the Organization without first obtaining the approval of the Secretary General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of the Staff Regulations and with the individual's status as an international civil servant.

Outside Activities

1.10 Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary General.

1.11 The Secretary General may authorize staff members to engage in an outside occupation or employment, whether remunerated or not, if:

- a) The outside occupation or employment does not conflict with the staff member's official functions or the staff member's status as an international civil servant;
- b) The outside occupation or employment is not against the interest of ICAO; and
- c) The outside occupation or employment is permitted by local law at the duty station or where the occupation or employment occurs.

Conflict of Interest

1.12 No staff member shall be actively associated with the management of, or hold a financial interest in, any profit-making business or other concern, if it were possible for the staff member or the profit-making business or other concern to benefit from such association or financial interest by reason of the staff member's position with the Organization.

Financial Disclosure

1.13 All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Secretary General in respect of themselves, their spouses and their dependent children. The Secretary General shall require other staff whose functions involve financial or procurement matters to file financial disclosure statements as the Secretary General deems necessary in the interest of the Organization.

Notification of Lobbying

1.14 Staff Members shall notify the Secretary General through their supervisor of any case of lobbying.

Use of Property and Assets

1.15 Staff members shall use the property and assets of the Organization for official purposes and shall exercise reasonable care when utilizing such property and assets.

Ombudsperson

1.16 The Secretary General shall designate an Ombudsperson and an alternate. Details concerning selection and functions are outlined in the Staff Rules.

Declaration of Office

1.17 The Secretary General shall require each staff member to sign the following declaration as a condition of employment:

“I solemnly undertake to exercise in all loyalty, discretion and conscience, the functions entrusted to me as a member of the staff of the International Civil Aviation Organization; to discharge these functions to the best of my ability and to regulate my official conduct with the interest of the Organization alone in view; to abide by the rules laid down by the Organization; during the term of my service in the Organization, or following my separation from service, not to disclose any information of a confidential nature; and not to seek or accept from any Government or other authority external to ICAO any instructions in regard to the discharge of my official responsibilities.”

1.18 The Secretary General shall make a declaration orally, in similar terms, at an open meeting of the Council.

Article II

CLASSIFICATION OF POSTS AND STAFF

2.1 In conformity with principles laid down by the Assembly, the Secretary General shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required. Modifications involving D-2 level posts shall be subject to the approval of the Council, and any modifications involving D-1 level posts to the approval of the President of the Council.

2.2 The staff of the Organization, under the Secretary General, shall consist of the following categories:

- a) Professional and higher categories; and
- b) General Service category.

Article III

SALARIES AND RELATED ALLOWANCES

General

3.1 The salary schedules at present in force covering all levels of staff are reproduced in Annex II. The salary level of each individual staff member of the Organization shall be determined by the Secretary General in accordance with the approved schedule.

3.2 Detailed conditions on salaries, allowances and grants shall be established by the Secretary General in the Staff Rules, in compliance with the conditions established by the International Civil Service Commission for the United Nations Common System.

3.3 Notwithstanding any of the provisions of these Regulations, salaries, allowances and all other conditions of service of General Service category staff at duty stations other than Headquarters shall be determined from time to time by the Secretary General as required by local circumstances, and in accordance with the methodology established by the International Civil Service Commission.

Adjustments of Salaries

3.4 The salary schedules may be amended by the Council from time to time to such extent as may be necessitated by the requirements of the Organization or prevailing conditions. Annual adjustments of the base/floor salary scale for the Professional and higher categories and interim adjustments to the salary scales of the General Service category at Headquarters shall be determined and implemented by the Secretary General in accordance with the established procedure approved by the Council. No amendment shall adversely affect the rate of salary stipulated in any letter of appointment given for a fixed period not exceeding three years.

3.5 Salaries of staff in the Professional and higher categories at various duty stations shall be subject to adjustments to be made by the Secretary General on the basis of post adjustment applicable to each duty

station expressed as a percentage of net base salary as determined from time to time by the International Civil Service Commission. These adjustments shall not be assessable.

Increments

3.6 Salary increments within the levels set forth in the salary schedules shall be awarded annually or biannually on the basis of satisfactory service, taking into account the structure of the salary schedule and the established cycle for the granting of increments for each grade level.

3.7 An individual salary increment shall not be withheld or delayed except on the authority of the Secretary General. The Secretary General shall also have the authority, subject to financial provisions, in cases of special merit, to award additional increments within these levels as well as non-pensionable bonuses and other staff awards and incentives.

3.8 Staff members in the General Service category at Headquarters who have at least twenty years of service within the United Nations Common System, five of which have been at the top of their level, and whose performance has been entirely satisfactory in the last five measurement cycles, shall be awarded one additional step for long service.

Staff Assessment Plan

3.9 The salaries of all staff members shall be subject to a staff assessment plan, on a scale and subject to conditions to be determined and implemented by the Secretary General in accordance with the established procedure approved by the Council and the conditions and methodology established by the International Civil Service Commission. The scale and conditions presently in force are at Annex III.

3.10 Where a staff member is subject both to staff assessment and to national, federal, provincial, state or local income taxes in respect of the salaries and emoluments paid by the Organization, such taxes may be reimbursed in accordance with rules determined by the Secretary General.

Allowances and Grants

Settling-in Grant

3.11 The Secretary General shall establish conditions under which internationally recruited staff members who travel at the Organization's expense upon re-assignment, transfer, or initial appointment to a new duty station shall be paid a settling-in grant.

Non-resident Allowance

3.12 An internationally recruited General Service staff member may be granted a non-resident allowance. The amount and duration of the allowance and relevant conditions shall be determined by the Secretary General.

Dependency Allowances

3.13 A staff member in the Professional and higher categories shall be entitled to dependency allowances. The amount and conditions of these allowances shall be determined by the Secretary General in the Staff Rules, in accordance with the conditions and methodology established by the International Civil Service Commission.

3.14 For eligible staff members in the General Service category, the allowance shall be determined by the Secretary General in accordance with the methodology established by the International Civil Service Commission.

Special Post Allowance

3.15 Staff members shall be expected to assume temporarily, as a normal part of their customary work and without extra compensation, the duties and responsibilities of vacant higher level posts. The assumption of such duties and responsibilities shall be recognized in the performance and competency assessment and enhancement report of staff members.

3.16 Without prejudice to the principle that promotion shall be the normal means of recognizing increased responsibilities and

demonstrated ability, a staff member holding a fixed-term or continuing appointment who is called upon to assume the full duties and responsibilities of a vacant post at a clearly recognizable higher level than the staff member's own post for a temporary period exceeding three months may, in exceptional cases, be granted a non-pensionable special post allowance from the beginning of the fourth month of service at the higher level. When a staff member in the General Service category is assigned to serve in a vacant higher level post in the Professional category, the three-month waiting period is waived. The amount and conditions of the special post allowance shall be determined by the Secretary General in the Staff Rules.

Night Differential

3.17 A staff member in the General Service category who is assigned to regularly scheduled night-time duty shall receive a night differential at a rate and under conditions established by the Secretary General in the Staff Rules.

Education Grant

3.18 An internationally recruited staff member who holds a fixed-term appointment or continuous appointment and is serving and living outside the recognized home country shall be entitled to an education grant in respect of each dependent child in full-time attendance at a school, university or similar educational institution at a rate and under conditions established by the Secretary General in the Staff Rules, in accordance with the conditions and methodology established by the International Civil Service Commission.

3.19 The grant shall be payable in respect of the child up to the end of the school year in which the child completes four years of post-secondary studies or is awarded the first recognized post-secondary degree, whichever is earlier, subject to an upper age limit of 25 years.

Language Allowance

3.20 Subject to demonstration of qualifications through appropriate tests, a language allowance shall be paid to staff members in the General Service category who are proficient in more than one of the

following languages: Arabic, Chinese, English, French, Russian and Spanish. This allowance shall not be assessable.

Mobility Incentive, Hardship Allowance and non-Family Service Allowance

3.21 A staff member temporarily transferred or, on initial appointment, temporarily assigned to a duty station for a period of not less than one year or appointed to a designated duty station, may be paid a mobility incentive, hardship allowance, and non-family service allowance in the amounts and subject to the conditions established by the International Civil Service Commission.

Danger Pay

3.22 Internationally recruited staff who are required to serve at duty stations determined as hazardous by the International Civil Service Commission, and locally recruited staff who are required to report to work and actually do so at such duty stations, may be granted compensation in the form of danger pay in the amounts and subject to the conditions established by the International Civil Service Commission.

Article IV

RECRUITMENT, APPOINTMENT, PROMOTION AND DEVELOPMENT OF STAFF

Recruitment — General

4.1 The paramount consideration in the appointment and promotion of staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible and ensuring equal gender representation. Subject to the foregoing, selection of staff members shall be made without distinction as to race, sex or religion, nor shall there be any discrimination on account of any disability of a candidate who meets the qualifications required to perform the tasks. Unless otherwise permitted under these Regulations, appointment and promotion of staff members shall be made on a competitive basis.

4.2 Recruitment in the Professional and higher categories shall be on an international basis. Subject to the conditions in Regulation 4.1, this recruitment shall be directed towards the achievement, so far as practicable, of an equitable geographical representation throughout the Secretariat. Recruitment in the General Service category shall, as a general rule, be on a local basis.

4.3 In the appointment of personnel for service away from the Headquarters of the Organization, the candidate's knowledge of the problems and languages of the region will be given due consideration.

4.4 Applications for posts in the Secretariat from Representatives or Alternates on the Council, from Representatives or Alternates to ICAO, and from Air Navigation Commissioners shall not be considered. Applications from former Representatives or Alternates on the Council, or to ICAO, and from Air Navigation Commissioners, shall be considered only for posts advertised at least six months after they have ceased to be Representatives or Alternates or Air Navigation Commissioners.

4.5 Subject to the conditions in Regulations 4.1 and 4.2, and giving due regard to the recruitment of fresh talent at all levels,

preference should, in principle, be given to staff members of the Organization and, secondly, on a reciprocal basis, to staff members of other Organizations belonging to the United Nations system. This shall not apply to posts of D-2 Directors of Bureau.

4.6 The Secretary General shall take such action as deemed necessary or advisable for securing the cooperation of Member States in the matter of recruitment of personnel.

4.7 (Deleted)

Notification of Vacancies and Appointment Decisions

4.8 All staff of the Organization and all Member States shall be notified of vacancies in the Professional and higher categories. All vacancies in the General Service category shall be notified to the staff members of the Organization at the duty station where the post is located. The Secretary General may, by advertisement or otherwise, adopt such additional means of giving publicity to vacancies in the Secretariat as the Secretary General may consider necessary or advisable. The recruitment process for all posts shall be completed within 12 months from the date of issuance of the vacancy notice to the date of the appointment decision. Should the appointment decision not be taken within this 12-month time frame, the post should be readvertised following established procedures. Starting from the date of the appointment decision, the recruitment process shall remain active for an additional period of 12 months so as to allow, when required, for the selection of another candidate to the post. The Secretary General shall also ensure that timely action is taken to notify applicants of the appointment decision. However, the foregoing shall not apply when it is in the interest of the Organization to fill a position by lateral transfer or reassignment without promotion of a staff member.

Appointment of the Secretary General

4.9 The appointment of the Secretary General shall be subject to conditions established by the Council.

Appointment Authority

4.10 The Secretary General shall appoint the staff of the Organization. For appointments, extensions and reappointments of D-1 and D-2 staff, the Secretary General shall obtain the written approval of the President of the Council. The procedure for recruitment, performance evaluation and termination (dismissal) of the Ethics Advisor shall correspond with that for the Chief, Office of Internal Oversight (C/OIO).

Advice

4.11 The Secretary General shall act with the advice and assistance of:

- a) the Panel of Directors for D-1 posts;
- b) the Appointment and Promotion Board I (APB I) for P-1 to P-5 level posts;
- c) the Appointment and Promotion Board II (APB II) for posts in the General Service category.

The Panel of Directors, APB I and APB II shall be constituted and shall function as set out in the Staff Rules.

4.12 (Deleted).

Review

4.13 The review of candidates for posts up to P-5 level shall take place following the procedures set out in the Staff Rules. For D-1 and D-2 level posts, as well as the post of Ethics Advisor, the procedures set out in Annex IV shall apply.

Decision in the Case of D-2 Posts

4.14 Following completion of the selection process, the Secretary General, in consultation with and subject to the approval of the President of the Council, shall take a decision and establish the type and duration of the contract.

4.15 The maximum period for which a D-2 can serve is eight years. On initial appointment, a fixed-term contract of four years (first year is probationary for an external candidate) shall be granted. Following the established procedure approved by the Council, and subject to reappointment, a second fixed-term contract may be granted to the incumbent of the D-2 post. The combined duration of the initial and second fixed-term contracts shall not exceed eight years. On an exceptional basis, and subject to the approval of the President of the Council, a six-month extension beyond the eight-year maximum period may be granted to the incumbent of the D-2 post, pending completion of the recruitment process.

4.16 After having taken a decision, the Secretary General shall immediately inform, in writing, the Representatives of the Council of the decision.

4.17 Unless the Council expresses disapproval by a secret vote by the majority of its members, the Secretary General shall appoint the candidate.

4.18 Should there be disapproval, the Secretary General may choose another candidate from the shortlist and follow the same procedure of consultation as described for the first choice, or may decide to readvertise the post following established procedures, and inform the Council accordingly.

Decision in the Case of D-1 Posts

For D-1 posts other than C/OIO

4.19 Following receipt of the report of the Panel of Directors for D-1 posts other than C/OIO, the Secretary General, in consultation with and subject to the approval of the President of the Council, shall take a decision and establish the type and duration of the contract.

4.20 Except as stipulated in Regulations 4.21 and 4.24.1 below, all D-1 posts shall be subject to the same contract conditions which apply for D-2 posts, as specified in Regulation 4.15 above.

4.21 For a D-1 staff member other than D-1 C/OIO, on an exceptional basis, after completion of the second term, a six-month

extension may be granted subject to the approval of the President of the Council; or an extension of up to a total of 12 months may be granted subject to the approval of the President and, notwithstanding Regulation 4.10, of the Council. Except for C/OIO, all other D-1 staff members are eligible to apply to other ICAO positions.

4.22 After having taken a decision, the Secretary General shall inform the President of the Council of the decision and request the latter's approval.

4.23 Upon written approval by the President of the Council, which should normally take place within two weeks after receipt of the information, the Secretary General shall immediately inform, in writing, the Representatives of the Council of the Secretary General's decision.

For C/OIO and the Ethics Advisor

4.24 Following receipt of the selection report for the post of C/OIO, and the post of Ethics Advisor, the Secretary General, in consultation with and subject to the approval of the President of the Council, shall take a decision and establish the type and duration of the contract.

4.24.1 The maximum period for which D-1 C/OIO and the Ethics Advisor can serve is seven years. On initial appointment, a maximum seven-year, non-renewable fixed-term contract (first year is probationary for an external candidate) shall be granted.

4.24.2 After having taken a decision, the Secretary General shall immediately inform, in writing, the Representatives of the Council of the decision.

4.24.3 Unless the Council expresses disapproval by a secret vote by the majority of its members, the Secretary General shall appoint the candidate.

4.24.4 Should there be disapproval, the Secretary General may choose another candidate from the shortlist and follow the same procedure of consultation as described for the first choice, or may decide to readvertise the post following established procedures, and inform the Council accordingly.

Decision in all Other Cases

4.25 For all other cases, following receipt of the report of the relevant APB, the Secretary General shall make the appointment decision and indicate the type and duration of the contract in accordance with Regulation 4.27 and any applicable Staff Rules established by the Secretary General with regard to the granting of contracts.

4.26 In cases where the ranking of the Secretary General is different from that of the relevant APB, the Secretary General shall inform the President of the Council in writing of the reasons for the Secretary General's choice.

Types of Appointment

4.27 Staff members may be granted one of the following types of appointment:

4.27.1 *Temporary*: For a period of less than one year, on such terms as may be determined in each case by the Secretary General. In exceptional cases, the initial period can be extended when warranted by operational needs. The initial appointment and any subsequent extension shall be for less than a total period of twenty-four months at any given time. A temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.

4.27.2 *Fixed term*: For a fixed period for one year or more, up to five years at a time and does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service.

4.27.3 *Continuing*: For an open-ended appointment in cases where the staff member previously held a fixed-term appointment and has served continuously in the Organization for a minimum of five years, provided the staff member demonstrated during service adherence to the highest standards of competence, integrity and efficiency. Detailed criteria on the granting of continuing appointments are described in Annex VII to the present Staff Regulations.

4.27.4 Details on transitional measures for staff currently holding permanent and term contracts are outlined in Annex V.

Secondment

4.28 The Organization may also avail itself of the services of persons seconded or loaned to the Organization by governments, other international agencies or educational, scientific, research or other institutions, in accordance with such conditions and for such periods as shall be agreed between the Secretary General and the government, international agency or institution.

4.29 A special contract will be issued to such seconded personnel. All seconded personnel are subject to the authority of the Secretary General and, in the exercise of their functions, are responsible to the Secretary General for the duration of their work with ICAO.

4.30 Secondment arrangements shall be at no additional costs to ICAO except for mission travel and related costs as well as minimal cost-sharing arrangements, that may be negotiated for remuneration purposes, of up to 5 per cent of the yearly standard costs at the Professional level that corresponds to the Terms of Reference. The foregoing shall not apply to Junior Professional Officers (JPOs) and Associate Experts (AEs).

4.30.1 Seconded personnel should not be given financial and/or policy decision-making responsibility and should not be at a level higher than P5 of the professional evaluation standard. Secondment opportunities should be posted on the Council website with all support documentation.

4.30.2 On an exceptional basis to meet the needs of the Organization, and subject to the prior approval of the President of the Council, secondments at the D-1 level may be arranged on the understanding that they cannot fill established posts.

4.30.3 Seconded personnel may, in the interest of their assignment, be given operational supervisory functions described in Terms of Reference based on a specific delegation of authority by the Secretary General and periodic monitoring by the supervisor.

4.30.4 On the basis of cost estimates provided by the Organization, Junior Professional Officers (JPOs) and Associate Experts (AEs) shall be fully funded by the sponsoring entity the first two years of service. Subject to continuing need, availability of funds, and the agreement of the JPO and AE, the Organization may consider cost-sharing arrangements with the sponsoring entity for extension(s) beyond the

initial two years of service, provided that the Organization's contribution under these cost-sharing arrangements shall not exceed 50 per cent. The total period of service for a JPO and AE shall not exceed five years.

Consultants

4.31 The Organization may also engage consultants on such terms and for such temporary or part-time service as may be determined in each case by the Secretary General.

Probationary Period

4.32 All initial appointments, unless temporary, shall include a probationary period of 12 months during which, if the services of the staff member are not satisfactory, the appointment may be terminated by one month's notice in writing, or salary in lieu thereof, and without indemnity. A probationary period may, on an exceptional basis, be extended by the Secretary General, for a maximum additional period of six months. A probationary period may be waived in the case of staff members who have completed an equivalent and continuous period of satisfactory service in the Organization, including service on secondment, loan or temporary employment, whether at the same or different level.

Medical Examination

4.33 Prior to the appointment, a prospective staff member, unless appointed on a temporary basis for less than six months, shall be required to undergo a medical examination and to meet the medical health standards established by the United Nations by providing a medical certificate.

Letter of Appointment

4.34 Each staff member shall receive on appointment a letter of appointment signed by or on behalf of the Secretary General. The letter of appointment shall state:

- a) that the appointment is subject to the provisions of the ICAO Service Code and to changes which may be duly made to it from time to time;
- b) the level and title of the position and the type of appointment;
- c) the effective date of appointment;
- d) the duration of the appointment and notice period required to terminate it;

- e) the duration and date of expiration of the probationary period if any;
- f) the salary at which the appointment is made and the salary scale applicable;
- g) any special conditions which may be applicable; and
- h) the availability of the ICAO Service Code and Staff Rules.

Acceptance of Appointment

4.35 The letter of appointment and signed notice of acceptance shall constitute the contract of employment.

Commencement of Appointment

4.36 (Deleted)

Transfer

4.37 The Secretary General may transfer a staff member of the Professional or higher categories to any comparable post in any of the offices of the Organization or reassign a staff member of the General Service category to any comparable post within the staff member's duty station, having due regard to the personal interest of the staff member concerned. For staff members at the D-1 and D-2 levels, the Secretary General shall obtain the approval of the President of the Council. Any transfer or reassignment of staff member within the same level shall not necessitate a new contract.

Reclassification

4.38 (Deleted).

Performance Management

4.39 Staff members are expected to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions.

4.40 The Organization considers the performance of staff members as a high priority and emphasizes that, in accordance with Staff Regulation 1.2, all staff members are accountable to the Secretary General for the proper discharge of their functions.

4.40.1 All staff members shall be evaluated for their performance and competence through a regular assessment mechanism to ensure that the required standards of performance are met.

4.40.2 A mechanism to recognize outstanding performance through awards and incentives will be established by the Secretary General in the Staff Rules.

4.40.3 A mechanism to address unsatisfactory performance shall be established by the Secretary General in the Staff Rules.

Career Management

4.41 In view of identifying, developing and retaining talent for key positions and functional areas in order to meet organizational business objectives, an organization-wide career management and succession plan shall be established.

4.42 The lateral movement and geographical mobility of staff within the Organization shall be encouraged.

Staff Development

4.43 The Organization shall encourage staff development and facilitate the acquisition of new skills and competencies, as well as updated knowledge, required to perform critical tasks linked to the objectives of the Organization.

4.44 Such learning activities shall be included in the performance and competency assessment and enhancement mechanism and taken into account for the purposes of the career management of staff members.

Article V

ATTENDANCE AND LEAVE

Attendance

5.1 The Secretary General shall set the normal number of working hours per week and official holidays for each duty station, taking into consideration the general usage in other international organizations and any special local conditions. Exceptions may be made by the Secretary General as the needs of the service may require, and staff members shall be required to work beyond the normal work-week when requested to do so.

5.2 Official holidays will be additional to the annual leave specified in these Regulations.

5.3 Subject to the principles approved by the Council, the Secretary General may promulgate rules governing overtime work, compensatory leave or payment for overtime. Overtime shall not be paid to staff members in the Professional and higher categories.

Annual and Special Leave

5.4 A staff member who holds a temporary appointment shall accrue annual leave while on full pay status at the rate of one and a half days per month, unless otherwise provided by the Secretary General. A staff member who holds a temporary appointment may accumulate 18 working days and carry forward up to nine working days of annual leave.

5.5 A staff member who holds a fixed-term or a continuing appointment shall accrue annual leave while on full pay status at the rate of two and a half days per month.

5.6 No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under Regulation 6.5.

5.7 Except in unusual circumstances where the Secretary General finds that the exigencies of the service do not permit the granting of annual leave in the year in which it is due, or where undue hardship would result, a staff member who holds a fixed-term or continuing appointment may not carry over into a succeeding year more than 15 working days from the year of accrual. Annual leave may not be accumulated beyond a maximum of 60 working days, except where the Secretary General has authorized the deferment of leave for the above reasons. Annual leave may be granted in advance up to a maximum of ten working days, or for longer periods in exceptional circumstances at the discretion of the Secretary General. Annual leave will be computed in units of days and half-days.

5.8 Special leave of absence may, at the written request of a staff member holding a fixed-term or a continuing appointment, and on such terms as the Secretary General may consider appropriate, be granted by the Secretary General for urgent and exceptional reasons. When it appears to be in the interest of the Organization, the Secretary General may permit the staff member to perform work outside the Organization while on special leave.

5.9 In exceptional cases, the Secretary General may, at the Secretary General's initiative, place a staff member on special leave with full pay if the Secretary General considers such leave to be in the interest of the Organization. Staff members holding a temporary appointment may exceptionally be granted special leave, on such terms as the Secretary General may consider appropriate.

5.10 All leave arrangements shall be subject to the exigencies of the service. The personal circumstances and preferences of staff members concerned shall, as far as possible, be taken into account.

Home Leave

5.11 In the third year of service, and once in every second calendar year thereafter, staff members recruited internationally shall be entitled to visit their home country and to receive travel expenses for the purpose of spending in that country a substantial period of annual leave. Leave taken for this purpose shall hereinafter be referred to as home leave. In the case of service at designated duty stations having difficult conditions of life and work, eligible staff members shall be granted home

leave once in every calendar year, in accordance with the methodology established by the International Civil Service Commission.

5.12 The provisions of Regulation 5.11 shall not apply:

- a) when the duty station of the staff member is located in a country of which the staff member is a national, or
- b) if the services of the staff member are not expected to continue outside the home country for at least six months after return from such leave.

5.13 A staff member, when travelling at the expense of the Organization for the purpose of home leave or annual visit to dependents as provided in Regulation 7.8, shall be entitled to additional leave time which shall be limited to the time reasonably necessary for direct travel by air.

5.14 For the purposes of Regulations 5.11 and 7.5, “home” will ordinarily be considered to be a place with which the staff member has the closest ties in the country of the staff member’s nationality. In special cases not falling within the above definition, the Secretary General shall determine the staff member’s home for these purposes.

Article VI

SOCIAL SECURITY

Pension Fund

6.1 Staff members shall participate in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund, provided that their participation is not excluded by their letter of appointment. In the latter event the Secretary General may, at the Secretary General's discretion, decide to make other suitable pension arrangements within the limits of expenditure which would be involved if the staff member's participation in that Fund were not excluded.

Sick Leave

6.2 Staff members who are incapacitated from the performance of their duties by illness or injury, or whose attendance is prevented by public health requirements, shall immediately inform their supervisor. They moreover have to produce evidence acceptable to the Secretary General of such incapacity. In such case, the staff members shall be granted sick leave in accordance with the entitlements at Regulation 6.3.

6.3 A staff member's maximum entitlement to sick leave shall be determined by the nature and duration of the staff member's appointment in accordance with the following provisions:

- a) a staff member who holds a temporary appointment shall be granted sick leave at the rate of two working days per month;
- b) a staff member who holds a fixed-term appointment and who has completed less than three years of continuous service shall be granted sick leave of up to three months on full salary and three months on half salary in any period of 12 consecutive months; and
- c) a staff member who holds a continuing appointment, or who holds a fixed-term appointment for three years or who has completed three years or more of continuous

service shall be granted sick leave of up to nine months on full salary and nine months on half salary in any period of four consecutive years.

Vaccination and Inoculation

6.4 (Deleted).

Compensation in Case of Death, Injury or Illness

6.5 Staff members shall be entitled to reasonable compensation in case of death, injury or illness attributable to the performance of official duties on behalf of the Organization, in accordance with the Staff Rules. These rules shall, as far as practicable, be in conformity with those in force in the United Nations and the maximum compensation prescribed therein shall not, in any case, exceed the maximum compensation payable in comparable circumstances in the United Nations.

Maternity Leave

6.6 (Deleted).

Paternity Leave

6.7 (Deleted).

Parental Leave

6.8. Under conditions established by the Secretary General, staff members shall be entitled to parental leave in accordance with the following provisions:

- a) Staff members shall be granted 16 weeks of parental leave with full pay in case of the birth or adoption of a child;

- b) An additional period of ten weeks of prenatal and postnatal leave with full pay shall be granted for the parent who gave birth, bringing the total duration of their parental leave to 26 weeks;
 - c) Staff members may avail of the 16 weeks of parental leave mentioned in paragraph (a) above any time within a year following the date of their child's birth or adoption, provided that it is completed during that year.
 - d) Parental leave in the case of the birth or adoption of a child under paragraph (a) above may not be granted more than once in any 12-month period to be counted from the date of birth or adoption of the child. This paragraph (d) shall not apply to a parent who gives birth.
 - e) Sick leave shall not normally be granted for maternity cases during the prenatal and postnatal leave mentioned in paragraph (b) above, except where serious complications arise.
 - f) Annual leave shall accrue during periods of parental leave.
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Article VII

TRAVEL AND REMOVAL EXPENSES

7.1 Subject to the conditions and definitions prescribed by the Secretary General in the Staff Rules, taking into account the best practices of the United Nations Common System, ICAO shall in appropriate cases pay the travel expenses of staff members. In addition, for staff holding a fixed-term or continuing appointment, it shall also pay travel expenses to their spouses and dependent children in appropriate cases.

Mission

7.2 A staff member travelling on mission shall be entitled to payment of travel expenses, and a subsistence allowance for the period spent at the place of mission.

Appointment, Transfer and Separation from Service

7.3 A staff member recruited internationally and travelling on appointment, transfer or separation from service shall be entitled to payment of travel expenses. In addition, ICAO shall, in appropriate cases, also pay travel expenses of spouse and dependent children of staff holding a fixed-term or continuing appointment.

7.4 Entitlement to payment of travel expenses on separation from service shall be at the Secretary General's discretion if the staff member resigns with effect from a date which is prior to the completion of one year of service or which falls within six months following the date of return from home leave or from annual visit to dependents.

7.5 On the death of a staff member recruited internationally or a spouse or a dependent child of a staff member holding a fixed-term or continuing appointment, the transportation expenses of the body shall be paid from the duty station, or, where the death occurred during travel at the expense of the Organization, from the place of death, to the staff member's home. The spouse and dependent children of a deceased staff

member holding a fixed-term or a continuing appointment shall be entitled to payment of their travel expenses from the duty station to the staff member's home.

Travel of Former Dependents

7.6 A staff member recruited internationally and holding a fixed-term or a continuing appointment shall be entitled to payment of the travel expenses of a child for one journey either to the staff member's duty station or home country after such child has ceased to be a recognized dependent of the staff member either within one year, or subject to the provisions of Regulation 7.9, within six months of completion of the child's continuous full-time attendance at a school or university, when the attendance commenced during the period of recognized dependency status.

Home Leave

7.7 A staff member who is granted home leave under the provisions of Regulations 5.11 and 5.12 shall be entitled to payment of travel expenses including those of the staff member's spouse and dependent children.

Annual Visit to Dependents

7.8 If the spouse and all dependent children of an internationally recruited staff member holding a fixed-term or a continuing appointment, whose duty station is located outside the country of which the staff member is a national, are residing away from the duty station, the staff member shall be entitled in the second year of service and once a year thereafter, except in the year of travel on home leave, to payment of travel expenses to visit such members of family provided:

- a) the cost of such travel shall not exceed the cost of travel to the place of the staff member's home leave entitlement or the place of the immediately previous duty station;

- b) that none of such members of family travelled at the expense of the Organization during the preceding 12 months; and
- c) that the services of the staff member are expected to continue outside the home country for at least six months after return from such visit.

Education

7.9 A staff member recruited internationally and holding a fixed-term or a continuing appointment shall be entitled, once in each scholastic year, to payment of travel expenses for one round trip between the duty station and the location of study of a child in receipt of boarding assistance, under conditions established by the Secretary General in the Staff Rules, in accordance with the conditions and methodology established by the International Civil Service Commission. Such travel shall be by a route approved by the Secretary General but not in an amount exceeding the cost of such a journey between the home country and the duty station. Notwithstanding these provisions, the education travel expenses of a child shall not be paid if the travel is unreasonable, either because of its timing in relation to other authorized travel of the staff member, spouse or dependent children, or because of the brevity of the visit in relation to the expenses involved.

Medical Treatment

7.10 An internationally recruited staff member, spouse and dependent children residing at the duty station or a staff member on mission requiring urgent medical treatment which is not obtainable at the duty station or place of mission may be paid, at the discretion of the Secretary General, travel expenses to and from the nearest place where the necessary treatment is obtainable.

Transit Allowance

7.11 Entitlement to payment of travel expenses shall, in addition to fares, include any necessary incidental expenses and a transit allowance reasonably sufficient to defray the expenditure on meals and accommodation arising while in transit and not included in the fare, provided that, in the case of travel on home leave, annual visit to dependents and education, the transit allowance payable shall be in an amount reasonably sufficient to defray necessary expenditure on accommodation only.

Removal Costs

7.12 On appointment, transfer or separation from service, a staff member recruited internationally and holding a fixed-term or a continuing appointment shall be entitled to payment of the costs of removal of the staff member's household goods and personal effects in accordance with the conditions established by the Secretary General in the Staff Rules, taking into account the best practices of the United Nations Common System.

Article VIII

STAFF RELATIONS

General

8.1 The Secretary General shall establish and maintain continuous contact and communication with the staff in order to ensure a good level of information and an effective participation of the staff in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other human resources policies.

Association of Staff Members

8.2 Association or associations of staff members as a proper and desirable means of representing the interests of the staff shall be recognized. The Secretary General, in deciding whether to recognize any group as a representative association of staff members, will consider:

- a) whether the group represents a sufficiently substantial number of staff members or a sufficiently distinct category of staff members to justify its recognition as a representative association;
- b) whether its charter or constitution and the statement of its objectives are not in conflict with the interests of the Organization.

8.3 A recognized association may have direct dealings with the Secretary General, but shall not have the right of presenting its views to the Assembly, the Council or any of their subordinate bodies. Notwithstanding this provision, a recognized association may make application through the Secretary General to present its views to the appropriate Standing Committee of the Council.

Staff Advisory Committee

8.4 The Secretary General shall establish a Staff Advisory Committee, whose functions shall be to consider and advise the

Secretary General on any of the following matters which the Secretary General or the staff, through their nominees on the Committee, may wish to refer to it:

- a) any matter concerning the terms and conditions of employment of the staff or any section of the staff including the application, interpretation and revision of the ICAO Staff Regulations and Staff Rules, but not including an appeal from an administrative decision affecting an individual staff member;
- b) means for utilizing the ideas and experience of the staff and ensuring their efficient cooperation in the work of the Organization and their welfare.

8.5 The Staff Advisory Committee shall be composed of senior officials nominated by the Secretary General and an equal number of staff members nominated by the staff. Each recognized association of staff members shall have at least one representative on the Committee. The Secretary General shall formulate rules governing the constitution of the Committee.

8.6 The Committee shall establish rules of procedure, which shall be subject to the approval of the Secretary General.

8.7 When the Committee is evenly divided and is unable to agree on the advice to be tendered to the Secretary General, or when the Secretary General does not accept the advice agreed upon by a majority of the Committee, the Secretary General shall, if so requested by a majority of the staff nominees, refer the matter to the Council through the appropriate Standing Committee of the Council. Such a request shall be accompanied by a statement in writing of their views on the case.

8.8 In any matter referred to the Council pursuant to Regulation 8.7, the members requesting reference to the Council shall have the opportunity of presenting their views to the Council or to the appropriate Standing Committee of the Council, as the Council may decide.

Article IX

SEPARATION FROM SERVICE

Cases of Separation

- 9.1 Any of the following shall constitute separation from service:
- a) resignation;
 - b) termination of appointment;
 - c) expiration of appointment;
 - d) retirement;
 - e) death;
 - f) summary dismissal;
 - g) abandonment of post.

Resignation

9.2 Any staff member may resign from service upon giving notice in writing to the Secretary General with copy to the staff member's supervisor as follows:

A staff member holding
a continuous contract: 3 months

A staff member holding
a fixed-term contract: 30 calendar days

A staff member holding
a temporary contract: 15 calendar days

The Secretary General may, at the Secretary General's discretion, accept resignation at shorter notice. In the event that a staff member leaves the Organization without giving the notice required, and

without the consent of the Secretary General, the separation may, at the discretion of the Secretary General, be regarded as an abandonment of post.

Termination of Appointment

9.3 The Secretary General may, giving the reasons therefor, terminate the appointment of a staff member, in accordance with the terms of the staff member's appointment or for any of the following reasons:

- a) if the necessities of service require abolition of the post or reduction of the staff;
- b) if the services of the staff member prove to be unsatisfactory;
- c) if the staff member is, for reasons of health, incapacitated for further service;
- d) if there is misconduct or inattention to duties;
- e) if facts anterior to the appointment of the staff member and relevant to the staff member's suitability come to light that, if they had been known at the time of the appointment, should have precluded the appointment;
- f) if there is a mutual agreement between the Secretary General and the staff member concerned.

9.4 If the necessities of the service require abolition of any post or reduction of the staff, the Secretary General shall endeavour to offer any staff member affected thereby acceptable alternative employment in the Organization, having due regard to the type of appointment held, competence and length of service. If no acceptable alternative employment is available, the Organization reserves the right to terminate the appointment of the staff member from the date of abolition of the position, by giving the appropriate notice in writing.

9.5 Any staff member may be discharged by notice in writing, if the Secretary General, after due investigation, is satisfied that the staff member's services are unsatisfactory. This investigation shall be conducted on the basis of a written report by the immediate superior or

superiors of the staff member concerned which shall include all performance measurements. The staff member concerned shall be given an opportunity to see the report and to make representations thereon to the Secretary General.

9.6 Where illness of a staff member is or becomes such as to render the staff member incapable of returning to duty during the period of appointment or where recurring illness is suffered so frequently as, in the opinion of the Secretary General, to prevent the satisfactory performance of duties, the Secretary General may terminate the appointment.

9.7 Any staff member may be discharged by the Secretary General for misconduct or inattention to duties, subject to the conditions of notice, investigation and report applicable to discharge under Regulation 9.5.

9.8 The Secretary General may, where the circumstances warrant and the Secretary General considers it justified, pay to a staff member whose appointment has been terminated, provided that the termination is not contested, a termination indemnity payment not more than 50 per cent higher than that which would otherwise be payable.

9.9 In cases of termination of appointment of staff at the D-1 and D-2 levels, the Secretary General shall seek the written approval of the President of the Council. For the post of D-1 Chief, Office of Internal Oversight (C/OIO) and the P-5 Ethics Advisor, after having obtained the written approval of the President of the Council, who may consult with the Evaluation and Audit Advisory Committee (EAAC), the Secretary General shall inform the Council, in writing, of the Secretary General's intention to terminate the appointment of the incumbent under the provisions of Staff Regulation 9.3 or 9.17, and unless a majority of the Council expresses disapproval, the Secretary General shall implement the decision.

9.10 Subject to conditions established by the Council, the appointment of the Secretary General may be terminated by the Council.

Notice of Termination

9.11 The following notice period shall be given in cases of termination of appointment:

- a) A staff member whose continuing appointment is to be terminated shall be given not less than three months' written notice of such termination;
- b) A staff member whose fixed-term appointment is to be terminated shall be given not less than 30 calendar days' written notice of such termination or such written notice as may otherwise be stipulated in the staff member's letter of appointment;
- c) A staff member whose temporary appointment is to be terminated shall be given not less than 15 calendar days' written notice of such termination or such written notice as may otherwise be stipulated in the staff member's letter of appointment;
- d) In lieu of the notice period, the Secretary General may authorize compensation equivalent to salary, applicable post adjustment and allowances corresponding to the relevant notice period at the rate in effect on the last day of service;
- e) No termination notice or compensation in lieu thereof shall be given in case of summary dismissal.

Termination Indemnity

9.12 The payment of termination indemnity shall be made by the Secretary General in accordance with the rates and conditions specified in Annex VI to the present Regulations.

9.13 For the purpose of calculating termination indemnities, length of service shall be deemed to comprise the total period of a staff member's full-time continuous service with the Secretariat, regardless of types of appointment. Continuity of such service shall not be considered as broken by periods of special leave without pay or in partial pay, but full months of any such periods exceeding one calendar month shall not be credited as service for indemnity purposes. Periods of less than one calendar month shall not affect the ordinary rates of accrual.

Expiration of Appointment

9.14 A temporary or fixed-term appointment shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.

Retirement

9.15 Effective 1 January 2019, a staff member shall not be retained in the service of the Organization after reaching the age of 65*. In exceptional circumstances, where the interests of the Organization so require, the Secretary General may extend this age limit in individual cases for up to a maximum of one year in total.

Death

9.16 In the event of the death of a staff member holding a temporary, fixed-term, term, permanent or continuing appointment, a single grant shall be paid to the surviving spouse, if any, and if none, to any eligible dependent children. Details shall be established in the Staff Rules.

* Prior to 1 January 2019, the age limit is as follows: age 60 for staff members who entered into service prior to 1 January 1990; age 62 for staff members who entered into service on or after 1 January 1990 through 31 December 2013, and age 65 for staff members who entered into service on or after 1 January 2014. Taking into account acquired rights, staff members recruited prior to 1 January 2014, who are still in service on 1 January 2019, have the option of separating from the Organization on reaching age 60 (if they entered service prior to 1 January 1990) or on reaching 62 (if they entered into service on or after 1 January 1990 through 31 December 2013). Furthermore, with reference to staff who entered into service prior to 1 January 2014, at the 10th meeting of its 208th Session, “the Council agreed, as a cost-saving measure and as a transition period during 2017 and 2018, to provide flexibility to the Secretary General to extend until age 65 staff who will be reaching the mandatory age of separation of 60 or 62, noting that the Secretariat would develop objective and transparent criteria to be applied on a case-by-case basis, and taking into account, inter alia, the organizational priorities and operational needs, as well as the performance of the individual staff member.”

Summary Dismissal

9.17 Any staff member, whatever the terms of appointment are, may be summarily dismissed by the Secretary General in case of serious misconduct. No termination notice or compensation in lieu thereof shall be given in cases of dismissal.

Abandonment of Post

9.18 Abandonment of post is a separation initiated by staff members, other than by way of resignation, by not returning to their post despite a notice of the Secretary General to do so.

Certification of Service

9.19 Staff members who so request shall, on leaving the service of the Organization, be given a certificate relating to the nature of their duties and the length of service.

Commutation of Accrued Annual Leave

9.20 If, upon separation from service, a staff member has accrued annual leave, the staff member shall be paid a sum of money in commutation of the period of such accrued leave up to a maximum of 60 working days for staff holding a fixed-term, term, permanent or a continuing contract, and 18 working days for staff holding a temporary contract. The payment shall be calculated on the basis of separation payments, as defined in the Staff Rules.

Repatriation Grant

9.21 A repatriation grant shall be payable to internationally recruited staff members who have at least five years of continuous service outside their home country whom the Organization is obligated to repatriate, except those terminated by summary dismissal or who abandon their post. The amount of the grant shall vary with the type of appointment and length of service in accordance with the rates shown in the Staff Rules.

Article X

DISCIPLINARY MEASURES

10.1 In accordance with the procedures set out in the Staff Rules, the Secretary General may impose disciplinary measures on any staff member engaged in misconduct. The Secretary General may summarily dismiss a staff member for serious misconduct. In order of severity, disciplinary measures may take one or more of the following forms only:

- a) admonition;
- b) written censure;
- c) deferment of eligibility for salary increment for a specific period;
- d) reduction to a lower step within the same grade;
- e) demotion;
- f) suspension without pay for a specific period;
- g) discharge; and
- h) summary dismissal.

10.2 If the Secretary General considers that there is prima facie evidence of serious misconduct by a staff member, and that the staff member's continuance in service while an inquiry is in progress and pending a decision by the Secretary General would prejudice the interests of the Organization, the Secretary General may suspend the staff member with pay, or, in exceptional cases, without pay. Suspension without pay shall not exceed 30 days. Any suspension shall not otherwise affect the rights of the staff member under these Regulations.

Article XI

APPEALS

11.1 Each staff member shall have the right to a review in accordance with the rules established pursuant to this Article in the following cases:

- a) any disciplinary measure imposed under Article X as well as summary dismissal under Regulation 9.17;
- b) an order of discharge under Article IX, Regulation 9.5 or 9.7;
- c) any administrative decision which it is alleged constitutes non-observance of a contract of employment, or of the terms of the ICAO Service Code, or non-observance of established administrative practices in such a way as adversely to affect the individual.

11.2 The Secretary General shall establish rules providing for the aforesaid review, which rules shall include provision for an Appeals Board that is established as a neutral first instance process that shall, after due consideration, render a decision on the matter comprised of a written record and a written decision providing reasons, fact and law. Subject to the provisions of Regulation 11.5 of this Article, such decision shall be final.

11.3 The Appeals Board shall consist of three members: the Chair, who shall be a non-staff member with legal and judicial expertise and shall serve in the non-staff member's personal capacity and enjoy full independence, and two staff members who shall assist the Chair, one appointed by the Secretary General and one selected by the representative association or associations of staff members. For each appeal, the Chair shall be selected by agreement between the two staff members from a list maintained by the Secretary General. In case the two staff members cannot agree on a selection, the Chair shall be appointed by the President of the Council from the list. The list shall be presented by the Secretary General to the Council following the consideration and advice of the Staff Advisory Committee (SAC) and shall be endorsed

unless a majority of the Members of the Council expresses disapproval; it shall thereafter be presented to the Council for endorsement triennially. The decision of the Chair shall be on behalf of the Board and shall be final and binding on all of its members. The Secretary General shall establish and/or amend the rules of procedure of the Appeals Board after consultation with the representative association or associations of staff members, as well as with the Chairs and other members of the Appeals Board.

11.4 The lodging of an appeal shall not have the effect of suspending a decision of the Secretary General against which the appeal is lodged, unless the Secretary General so orders.

11.5 A staff member or the Secretary General may appeal against a decision of the Appeals Board given in pursuance of Regulation 11.2 of this Article to the United Nations Appeals Tribunal under the conditions specified in the Statute of that Tribunal. The said Statutes shall, *mutatis mutandis*, be deemed to constitute a part of the ICAO Service Code.

Article XII

GENERAL PROVISIONS

Implementation Rules

12.1 Implementation rules to these Staff Regulations shall be determined by the Secretary General in the Staff Rules and in Personnel Instructions.

Amendments

12.2 These Regulations may be amended at any time by the Council, provided that no such amendment shall adversely affect the entitlement of a staff member to any benefits earned through service prior to the effective date of the amendment.

12.3 In accordance with the procedure established by Council and in the absence of unforeseen financial implications, the Council shall delegate authority to the Secretary General to approve changes in routine United Nations Common System matters relating to salaries and allowances on receipt of recommendations by the International Civil Service Commission and as adopted by the United Nations General Assembly (UNGA).

Delegation of Functions

12.4 Except where otherwise specifically provided, the Secretary General may delegate such of the Secretary General's functions and powers under these Regulations as the Secretary General may consider necessary or advisable for the efficient discharge of responsibilities.

Claims and Recoveries

12.5 A claim arising from the employment of a staff member shall not be considered unless made in writing within one year of the date of accrual of the entitlement claimed. However, the Secretary General may, at the Secretary General's discretion, consider claims made beyond that period.

12.6 The right of the Organization to recover from staff members or former staff members any payment made to or benefit received by those staff members unduly or erroneously shall be extinguished after a period of three years following such payment or acceptance of such benefit, provided that the undue or erroneous payment or benefit was not caused by false or incomplete information given by such staff members or by lack of good faith on their part.

Staff List

12.7 The Secretary General shall maintain current for the information of the Council a list of the Secretariat in the Professional and higher categories.

ANNEX I

ICAO FRAMEWORK ON ETHICS

Introduction

1. Based on Article 1 of the ICAO Service Code, a framework on ethics is herewith established as Annex I to the ICAO Service Code. The framework forms an integral part of the Code. The goal of this framework is to provide standards leading to an effective ethics function within ICAO that is designed to ensure an understanding by all staff members of minimum acceptable standards of behaviour. It shall also help to protect staff against retaliation. A key role in implementing this framework is assumed by an Ethics Advisor, attached to the Office of the Secretary General. The ICAO Framework on Ethics shall apply to all staff members of ICAO. This framework shall also apply *mutatis mutandis* to all non-staff personnel of ICAO, including but not limited to gratis personnel, consultants, experts, interns and individuals working for ICAO under a contractual relationship.

Principles and Values

2. Staff members of ICAO shall abide at all times during their service with ICAO by the principles and values in paragraphs 3 to 11 below.

Integrity

3. Staff members shall maintain the highest standards of integrity, including such qualities as honesty, truthfulness, fairness, impartiality and incorruptibility, in all matters affecting their official duties and the interests of ICAO, thus following the concept of integrity as enshrined in the ICAO Standards of Conduct and the Charter of the United Nations.

Loyalty

4. Loyalty to the purposes, principles and values of the United Nations system and of ICAO is a fundamental obligation of all staff members. They shall be loyal to ICAO and the United Nations system and shall, at all times, discharge their functions and regulate their conduct with the interests of ICAO only in view.

Independence

5. Staff members must remain independent of any authority outside ICAO; their conduct must reflect that independence. They shall not seek or receive instructions from any government or from any other authority external to ICAO, as enshrined in Article 59 of the Convention on International Civil Aviation, 1944 – (the Chicago Convention). This applies equally to those on secondment from governments and to those whose services have been made available from elsewhere.

Impartiality

6. Staff members, in the performance of their duties, shall act with impartiality, objectivity and professionalism at all times. Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, staff members do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters and which may adversely reflect on their status, either individually or as members of a group. This means that in certain situations, personal views should be expressed only with tact and discretion.

Tolerance and understanding

7. Tolerance and understanding are basic human values. They are essential for all staff members, who must respect all persons equally, without any distinction whatsoever.

Non-discrimination

8. Freedom from discrimination is a basic human right. Staff members are expected to respect the dignity, worth and equality of all people without any distinction whatsoever.

Gender equality

9. All staff members shall be treated equally, regardless of their gender.

Accountability

10. Staff members shall be accountable to ICAO for the proper discharge of their functions and for their decisions and actions. They shall submit themselves to scrutiny and cooperate with audits and investigations.

Respect for human rights

11. Each staff member enjoys and has to respect the human rights as presented in the Universal Declaration of Human Rights adopted and proclaimed by the United Nations in 1948.

Standards of Conduct

12. The Standards of Conduct for the International Civil Service adopted by ICAO are applicable to all staff members.

Ethical Aspects in Working Relations

For each staff member individually

Personal conduct

13. All staff members shall conduct themselves at all times in a manner befitting their status as an international civil servant and shall not engage in any activity that is incompatible with the proper discharge of their duties with ICAO.

Mutual respect

14. All staff members have to show mutual respect to each other. They should be open to all legitimate views and opinions and should act impartially, without intimidation and favouritism.

Conflict of interest

15. Staff members shall perform their official duties and conduct their private affairs in a way that preserves and enhances public confidence in their own integrity and that of ICAO and avoids any conflict of interest. A conflict of interest occurs when, by act or omission, a staff member's personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant. When an actual or possible conflict of interest does arise, the conflict shall be disclosed by staff members to their chief or supervisor and also to the Ethics Advisor, mitigated by the Organization and resolved in favour of the interest of the Organization.

16. No staff member shall be actively associated with the management of, or hold a financial interest in, any profit-making business or other concern, if it were possible for the staff member or the profit-making business or other concern to benefit from such association or financial interest by reason of the staff member's position with the Organization.

Use and protection of information

17. Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position, which has not been made public, except in the course of their duties or by authorization of the Secretary General or in accordance with paragraph 66. They shall not at any time use such information to private advantage.

18. These obligations do not cease upon separation from service.

Respect for different customs and culture

19. Staff members must show the utmost respect for cultural diversity in the context of their relations with other staff of the Organization and in their personal conduct. They must, in particular, be sensitive to the local customs of each country to which they are assigned.

Outside activities, occupation or employment

20. Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without obtaining the written approval of the Secretary General.

21. The Secretary General may authorize staff members to engage in outside activities, occupation or employment, whether remunerated or not, if the outside activities, occupation or employment:

- a) do not conflict with the staff member's official functions or status as an international civil servant;
- b) are not against the interest of ICAO; and
- c) are permitted by local law at the duty station or where the activities, occupation or employment occurs.

21bis. Staff may in confidence submit a written request to the Ethics Advisor for clarification of whether any activities, occupation or employment would conflict with paragraph 21 or other relevant parts of

the Service Code, Staff Rules, Personnel Instructions, and other policy documents.

Use of properties and assets

22. Staff members shall use the property and assets of ICAO for official purposes and shall exercise reasonable care when utilizing such property and assets.

Gifts, honours and remuneration from outside sources

23. To protect the international civil service from any appearance of impropriety, staff members of ICAO must not accept any honour, decoration or favour, gift or remuneration of more than nominal value from any government or from any other source external to the Organization without first obtaining the written approval of the Secretary General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of ICAO's Staff Regulations and with the individual's status as an international civil servant.

Financial disclosure

24. All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at annual intervals thereafter as prescribed by the Secretary General in respect of themselves, their spouses and their dependent children.

25. The Secretary General shall also require other staff whose function involves financial or procurement matters to file annual financial disclosure statements, in accordance with criteria established for the financial disclosure programme and in the interest of the Organization.

26. All financial disclosure statements shall be lodged with the Office of the Ethics Advisor. These statements shall be kept in a secure location, will be treated in a confidential way and will be accessible to and used only by the Secretary General and the Ethics Advisor.

27. Staff members who are not able to comply with the disclosure requirements in respect of their spouses shall submit a detailed justification to the Ethics Advisor. The Ethics Advisor shall consider whether such justification is reasonable, with regard to the particular circumstances of each case, and may make recommendations to the staff members or the Secretary General in respect of each case.

Notification of lobbying

28. Staff members shall notify the Secretary General, through their supervisor, of cases of lobbying which may lead to circumventing duly established processes or unduly influencing a decision in favour of a lobbying group.

Conduct of staff member's household

29. Staff members must bear in mind that their conduct and activities outside the workplace, even if unrelated to official duties, can compromise the image and the interest of ICAO. This can also result from the conduct of their households, and it is their responsibility to make sure that their households are fully aware of this.

Management and staff relations

General

30. Relations between management and staff members and vice versa shall be guided by mutual respect and dialogue.

Management

31. Managers and supervisors are in positions of leadership, and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all legitimate views and opinions and ensure that the merits of staff are properly recognized. Managers and supervisors are expected to promote an ethical workplace, leading by example, and ensuring staff members are familiar with, trained on, and comply with the Ethics Framework.

Staff members

32. Staff members should follow the instructions they receive in connection with their official functions. They have the responsibility of providing all pertinent facts and information to their supervisors and of abiding by and defending any decisions taken, even those not consistent with their personal views.

Freedom of association

33. Freedom of association is a fundamental human right, and international civil servants have the right to form and join associations or other groupings to promote and defend their interests. In using the broad freedom of expression they enjoy, staff members must exercise a sense of responsibility and act in accordance with the ICAO Service Code and the relevant provisions of the present framework.

Relations with Member States

34. Staff members shall not, either individually or collectively, discredit a Member State or undertake any activity, direct or indirect, to undermine a Member State. They should also refrain from promoting or lobbying in favour of a particular State.

Relations with the public

35. All staff members have a continuing responsibility to promote a better understanding of the objectives and work of ICAO.

36. They shall endeavour at all times to promote a positive image of the international civil service in conformity with their oath of loyalty. They shall not air personal grievances against ICAO or criticize ICAO in public and shall avoid any kind of public pronouncement which may adversely reflect on their status unless the conditions in paragraph 66 are met.

Relations with the media

37. When dealing with the media, once the necessary authorization has been given, staff members shall regard themselves as speaking in the name of ICAO and avoid personal references and views; under no circumstances shall they use the media to further their own interests, to reveal unauthorized information or to attempt to influence policy decisions facing ICAO.

Misconduct

Definition

38. Misconduct is the non-compliance by staff members, through acts or omissions, with their obligations under the Chicago Convention, the ICAO Service Code, Staff Rules, Personnel and Administrative Instructions and other relevant and administrative texts in force. Misconduct is also the non-observance of standards of conduct expected from an international civil servant.

38bis. In accordance with Appendices G and H to the *Rules of Procedure for the Council* (Doc 7559), misconduct by the President of the Council or the Secretary General is defined as the non-compliance, through acts or omissions, with the President of the Council's or the Secretary General's obligations under the Chicago Convention, the Code of Conduct for the President of the Council and the Secretary General of ICAO (Appendix I to the *Rules of Procedure for the Council* (Doc 7559)) and the principles and values of the ICAO Framework on Ethics. Misconduct by the President of the Council or the Secretary General is also defined as disregard for the standards of conduct expected from an international civil servant, as defined by the International Civil Service Commission (ICSC) and other relevant administrative issuances such as those on anti-fraud and anti-corruption, protection against sexual exploitation and abuse, and prevention of sexual harassment.

39. Unsatisfactory work performance that is not misconduct should be addressed under the performance management provisions of ICAO.

Categories of misconduct

40. The behaviour in paragraphs 41 to 45 is considered as examples of misconduct.

Unethical conduct

41. Unethical conduct is behaviour that is contrary to the core values and principles that are enshrined in this framework and includes discrimination; harassment, including sexual harassment; intimidation, retaliation and abuse of authority; failure to disclose the existence of a conflict-of-interest situation or to comply with a request by ICAO to address it; corruption; misuse of corporate information and breach of confidentiality; and nepotism, be it for personal benefit or for favours to others.

Unlawful conduct

42. Unlawful conduct is behaviour that is against the law and includes charges such as theft, fraud, bribery, smuggling, possession or sale of illegal substances, and embezzlement, notwithstanding whether or not the staff member was officially on duty at the time when the acts were committed.

Wasteful conduct

43. Wasteful conduct is mismanagement or waste of ICAO's resources, either through gross negligence or malicious intent.

Violation of established policies, standards and regulations

44. Violation of established policies, standards and regulations means non-observance, by malice or by gross negligence, of clearly communicated human resource and financial policies, regulations, rules or other instructions or guidelines applicable to specific areas of work such as misrepresentation, false certification or non-disclosure in connection with allowances, benefits and claims.

Serious misconduct

45. Serious misconduct is defined as unethical or unlawful conduct which constitutes a substantial violation of ICAO regulations, rules or administrative issuances, including but not restricted to: fraud, corruption, nepotism, harassment, sexual harassment, retaliation, abuse of authority or staff, gross mismanagement, waste of substantial resources, sexual exploitation and abuse, and any substantiated misconduct that could result in the staff member being separated from the Organization. Pursuant to Staff Regulation 9.17, any staff member, whatever the terms of appointment are, may be summarily dismissed by the Secretary General in case of serious misconduct.

Reporting of misconduct

46. Staff members shall report concerns relating to misconduct directly to the investigative entity¹ using the dedicated hotline, email, facsimile or mail, following the procedures provided by the investigative entity on its public website and available by links on ICAO's internal and public websites. Should the Secretary General or any staff member receive a report of misconduct, they shall immediately refer it to the investigative entity and shall not undertake or delegate any internal investigation on their own. Reporting shall not be used to transmit rumours. Staff members who deliberately make false allegations may themselves be the subject of disciplinary measures.

¹ The Organization will enter into an MOU with an investigative entity within the United Nations system, such as the United Nations Office for Internal Oversight Services (OIOS) or a similar entity to establish a mechanism for the reporting and handling of all cases of misconduct (as defined in paragraphs 38-45).

46bis. Staff members should report any allegations of misconduct against the President of the Council or the Secretary General directly to the investigative entity² according to instructions provided on the public websites of the investigative entity and ICAO.

46ter. Notwithstanding the provisions of paragraph 46bis:

- a) staff members reporting allegations of misconduct in relation to any administrative decisions taken by the Secretary General or in which the President of the Council is involved that are of direct concern to them shall, as a rule, first avail themselves of the appropriate appeal mechanisms available to them under Article XI of the ICAO Service Code, before reporting such cases to the investigative entity;
- b) non-staff personnel reporting allegations of misconduct against the Secretary General in relation to any contractual disputes with the Organization shall, as a rule, first avail themselves of the contractual remedies available to them before reporting such cases to the investigative entity.

46quater. Staff members reporting allegations of misconduct against the President of the Council or the Secretary General should only do so in good faith and must provide credible arguments to support their claims. Claims must be supported by evidence that includes documents and records, verbal statements and even tangible items, or the physical condition of those items. Staff members reporting allegations of misconduct against the President of the Council or the Secretary General shall adhere to the confidentiality of the process and cooperate in good faith with a subsequent investigation. Reporting shall not be used to transmit or disseminate unsubstantiated rumours and must respect the

² In principle, this should be the same investigative entity engaged as a mechanism for the reporting and handling of all cases of misconduct committed by staff members of the Organization. The investigative entity shall handle any such allegations of misconduct against the Secretary General or the President of the Council in accordance with the procedures established respectively in Appendices G and H to the *Rules of Procedure for the Council* (Doc 7559).

appropriate reporting channels as outlined in paragraph 46bis and 46 ter above. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action.

47. The investigative entity may receive information about misconduct from staff members or from any other source including an anonymous source. This includes any information obtained during an investigation, a disciplinary process, an audit, a management enquiry or review, a judgment from a national court or information from another organization that is a member of CEB.

48. Information alleging misconduct by a staff member should contain sufficient details for it to be assessed such as:

- a) a detailed description of the misconduct;
- b) the name(s) of the implicated staff member(s);
- c) where and when the misconduct occurred;
- d) the names of potential witnesses to the misconduct; and
- e) all available supporting documentation.

49. Unless expressly provided for in the ICAO Service Code, Staff Rules, Personnel Instructions or other administrative issuances, staff members and third parties are not entitled to confidential information about an ongoing investigation or action taken by the investigative entity following the receipt of information about misconduct.

Handling of complaints of misconduct

50. The investigative entity will receive, promptly log, assess and take appropriate action on all incoming complaints of misconduct while ensuring the confidentiality and integrity of the entire process.

51. The investigative entity retains the ultimate authority to decide which cases it will consider and shall determine whether the information of misconduct received merits any action, and if so, whether it is better handled internally by ICAO or by the investigative entity.

52. Upon receiving and assessing complaints of misconduct against staff members, the investigative entity will:

- a) refer to the Secretary General, for action, principally routine matters including but not limited to: personnel matters, traffic related inquiries, simple thefts, contract disputes, office management disputes, basic misuse of equipment or staff, basic mismanagement issues, or matters it considers to require managerial action, administrative measures or informal resolution; or
- b) investigate the complaint of misconduct. An investigation report shall be prepared at the conclusion of the investigation. It shall contain an analysis of the information obtained during the investigation and shall be accompanied by copies of all supporting documentation, which may include records of interviews, any written statements provided by the subject of the investigation or by other witnesses, documents, and/or photographs or other reproductions of any physical evidence. The investigation report shall include a section setting out the factual findings resulting from the investigation and any relevant recommendations providing insights and advice on addressing particular cases and systemic issues that a case or cases may reveal; or
- c) close the case and provide a closure notice to the Secretary General.

Interim measures

53. Notwithstanding the provisions of paragraph 52 above, in cases involving complaints of misconduct against staff members, the Secretary General may take interim measures to safeguard the interests of the complainant or preserve the interests of the Organization pending the completion of investigations by the investigative entity. Such interim measures shall include, but shall not be limited to, the measures prescribed in Staff Regulation 10.2.

Rules and procedures for cases referred back

54. The Secretary General shall establish detailed rules and procedures for the handling of complaints of misconduct against staff members referred back by the investigative entity to ICAO pursuant to paragraph 52 a) above.

Transmittal of investigation reports

55. If the investigative entity decides to investigate complaints of misconduct against a staff member pursuant to paragraph 52 b) above, the investigative entity will, upon conclusion of the investigation:

- a) submit the investigation report and all supporting documentation to the Secretary General for action where the investigation finds that there is a factual basis indicating that the staff member engaged in misconduct; or
- b) close the case and provide a closure notice to the Secretary General where the investigation finds that there is no factual basis indicating that the staff member engaged in misconduct.

56. In cases involving complaints of misconduct against staff members, the investigative entity shall, upon completion of an investigation, promptly notify in an anonymized format the President of the Council of the submission of an investigation report or closure notice to the Secretary General with all parties adhering to the confidentiality of the process.

Action on investigation report

57. On the basis of the investigation report and the supporting information, the Secretary General shall, subject to the observance of all relevant due process requirements:

- a) initiate a disciplinary process against the staff member concerned in accordance with the established rules and procedures; and
- b) if and when appropriate, take managerial actions and/or administrative measures.

Other Investigations

58. The Secretary General may act in accordance with paragraph 57 above on investigation reports submitted to ICAO by other external entities as may from time to time be authorized by the Council, such as investigations relating to medical fraud.

Disciplinary measures

59. A finding of misconduct may lead to the imposition by the Secretary General of one or more disciplinary measures listed in Article X of the ICAO Service Code that the Secretary General deems appropriate to the gravity of the case. The decision of the Secretary General to impose any of the disciplinary measures is, without prejudice to the Secretary General's authority, to take any legal action to establish the criminal, civil or financial liability of the staff member concerned. The Secretary General shall provide information to other United Nations entities on substantiated misconduct committed by ICAO staff members for which disciplinary or administrative measures have been imposed to be included in relevant United Nations databases for the purpose of vetting of candidates prior to recruitment.

Annual report of the investigative entity

60. The investigative entity shall, on or before 31 January of each year, provide to the Council an annual report of all cases of misconduct handled on behalf of ICAO within the preceding year. The annual report shall contain sufficient details of the cases while respecting the utmost confidentiality and the privacy rights of any staff members who may be involved in those matters. The annual report, which shall contain a summary of concluded investigations in anonymized format, and the findings and recommendations of such investigations pertaining to systemic improvement, shall be publicly available on the ICAO website.

Protection against Retaliation

General

61. Staff members have the duty to report to the investigative entity any breach of the Organization's regulations and rules related to misconduct and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.

62. Retaliation is defined as any direct or indirect detrimental action that adversely affects the employment or working conditions of an individual where such action has been recommended, threatened or taken in whole or in part for the purpose of punishing, intimidating, or injuring an individual, because that individual engaged in a protected activity as set out in paragraph 63 or 66 below.

Protected activity

63. Protection against retaliation applies to any staff member, regardless of the type of appointment or its duration, or other individual contracted by the Organization who:

- a) reports the failure of one or more staff members to comply with their obligations under the ICAO Service Code, the Staff Regulations, Staff Rules, Personnel Instructions or other relevant administrative issuances related to misconduct, including any request or instruction from any staff member to violate the above-mentioned codes, rules or standards. The individual must make the report in good faith and must submit information or evidence to support a reasonable belief that misconduct has occurred; and
- b) cooperates in good faith with a duly authorized investigation or audit.

64. The provisions on protection against retaliation are without prejudice to the legitimate application of regulations, rules and administrative procedures, including those governing evaluation of performance, non-extension or termination of appointment. However,

the burden of proof shall rest with the Organization to meet the standard of demonstrating by clear and convincing evidence that it would have taken the same action absent the protected activity referred to above or that the alleged retaliatory action was not taken for the purpose of punishing, intimidating or injuring the individual who engaged in the protected activity.

65. The transmission or dissemination of unsubstantiated rumours is not a protected activity. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action.

Reporting misconduct through external mechanisms

66. Protection against retaliation will be extended to an individual who reports misconduct to an entity or individual outside of the established internal mechanisms, where the criteria set out in a), b) and c) below are satisfied:

- a) Such reporting is necessary to avoid:
 - i). A significant threat to public health and safety; or
 - ii). Substantive damage to the Organization's operations; or
 - iii). Violations of national or international law; and
- b) The use of internal mechanisms is not possible because:
 - i). At the time the report is made, the individual has grounds to believe that he or she will be subjected to retaliation by the person(s) he or she should report to pursuant to the established internal mechanism; or
 - ii). It is likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he or she should report to pursuant to the established internal mechanisms; or
 - iii). The individual has previously reported the same information through the established internal mechanisms, and the Organization has failed to

inform the individual in writing of the status of the matter within six months of such report; and

- c) The individual does not accept payment or any other benefit from any party for such report.

67. External reporting made in accordance with paragraph 66 above will not constitute a breach of obligations in respect to the use of information set out in Staff Regulation 1.8 of the ICAO Service Code and use and protection of information or relations with the media set out in paragraphs 17, 36 to 37 above.

Reporting retaliation

68. Individuals who believe that retaliatory action has been taken or maybe taken against them because they have engaged in a protected activity (see paragraphs 63 or 66) may submit a request for protection against retaliation to the Ethics Advisor in person, by regular mail, or by email. They should forward all information and documentation available to them in support of their complaint to the Ethics Advisor as soon as possible. The Ethics Advisor will send an acknowledgement of receipt of the complaint of retaliation within one week. The Ethics Advisor shall maintain the confidentiality of all communications received from complainants who request protection against retaliation, and from all relevant third parties. Complainants may authorize the Ethics Advisor to contact any office or staff member to obtain additional information and records related to their request for protection. However, the Ethics Advisor may be required to cooperate with requests for information from ICAO oversight bodies or from the Appeals Board or the United Nations Appeals Tribunal in the course of its official functions.

69. Requests for protection against retaliation must be submitted to the Ethics Advisor no later than six months after the date on which the individual knew, or in the opinion of the Ethics Advisor, should have known, that the alleged retaliatory action was taken.

70. If the Ethics Advisor is of the opinion that there is a perceived, potential or actual conflict of interest in the exercise of the Ethics Advisor's functions in a particular matter, the Ethics Advisor shall be recused from the exercise of that function upon notifying the Secretary General in writing of the said conflict of interest. The Secretary General shall refer the matter to the external ethics entity. Where the complaint of retaliation is against the Ethics Advisor, individuals requesting protection from retaliation shall submit their complaint to the external ethics entity. For complaints against the Ethics Advisor, the external ethics entity will follow the procedure in paragraphs 71-73.³

Protection against retaliation by the President of the Council or the Secretary General

70bis. Staff members should submit any request for protection against retaliation by the President of the Council or the Secretary General directly to the external ethics entity⁴ according to instructions provided on the public websites of the external ethics entity and ICAO. Staff members should consider that the primary objective of the provisions on retaliation is to provide enhanced protection to individuals who have reported behaviour that poses a significant risk to the Organization, i.e. a report that, if established, would be manifestly harmful to the interests, operations or governance of the Organization. Such reports should be made in the public interest and not stem from personal disagreements over policy or management decisions or individual grievances.

³The Organization will enter into an MoU with an external ethics entity within the United Nations system, such as the United Nations Ethics Office, or similar entity to establish a mechanism for the direct reporting and handling of complaints of retaliation that the Ethics Advisor cannot handle.

⁴ In principle, this should be the same external ethics entity referred to in paragraph 80 below. The external ethics entity shall handle any such requests for protection against retaliation, including with regard to possible interim protection measures, in accordance with the procedures established respectively in Appendices G and H to the *Rules of Procedure for the Council* (Doc 7559).

70ter. Staff members requesting protection against retaliation by the President of the Council or the Secretary General should only do so in good faith and must provide credible arguments to support their claims. Claims must be supported by evidence that includes documents and records, verbal statements and even tangible items, or the physical condition of those items.

Handling of complaints of retaliation

71. Upon receiving complaints of retaliation against staff members, the Ethics Advisor shall conduct a preliminary assessment of the complaint normally within 30 calendar days upon receipt of all information requested concerning a complaint of retaliation submitted to determine whether: 1) the complainant engaged in a protected activity; and 2) there is a *prima facie* case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation.

- a) If the Ethics Advisor determines that there is no *prima facie* case of retaliation or threat of retaliation, the Ethics Advisor shall close the case and notify the complainant in writing. Should the Ethics Advisor determine in such cases that there is an interpersonal problem within a particular bureau or office, the Ethics Advisor may additionally advise the complainant of the mandate of the Ombudsman or of the existence of other informal mechanisms of conflict resolution in the Organization.
- b) If the Ethics Advisor determines that there is no *prima facie* case of retaliation or threat of retaliation but considers there to be a managerial problem relating to a particular bureau or office, the Ethics Advisor will advise the Secretary General accordingly.
- c) If the Ethics Advisor considers that there is a *prima facie* case of retaliation or threat of retaliation, the Ethics Advisor will refer the matter in writing to the investigative entity for investigation, which should normally be completed within 90 calendar days, and will immediately notify the complainant in writing that the matter has been so referred. Pending the completion

of the investigations, the Ethics Advisor may make recommendations for implementing protective measures to the Secretary General.

Recommendation to the Secretary General

72. Upon receipt of the investigation report, the Ethics Advisor will conduct an independent review of the findings of the report and supporting documents to determine whether the standard of proof has been met.

- a) if, in the view of the Ethics Advisor, the standard of proof referred to in paragraph 64 is not met, the Ethics Advisor will consider that retaliation has occurred; or
- b) if the standard of proof is met, the Ethics Advisor will consider that retaliation has not occurred.

73. Once the Ethics Advisor has made a determination, the Ethics Advisor will send the report thereof to the Secretary General, recommending:

- a) the initiation of a disciplinary process, if the investigation confirms that retaliation did occur, as well as appropriate measures aimed at reversing the retaliatory action and correcting any negative consequences suffered by the complainant as a result thereof; or
- b) to close the case, if the standard of proof in paragraph 64 is met.

73bis. In all cases Ethics Advisor will inform the complainant in writing of the determination and make recommendations to the Secretary General as soon as possible. The Ethics Advisor shall also notify the President of the Council when a recommendation regarding a substantiated case of retaliation has been sent to the Secretary General for decision.

74. Subject to all relevant due process rights, including rights under Article XI of the Service Code, recommended measures may also include transfer of the person who engaged in retaliation.

Corrective action

75. If retaliation against an individual is established, the Secretary-General shall, after taking into account any recommendations made by the Ethics Advisor, and after consultation with the complainant, take appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory action and protect the complainant from any further retaliation. Such measures may include, but are not limited to, the rescission of the retaliatory decision, including reinstatement, or, if requested by the complainant, transfer to another office or function for which the individual is qualified, where the individual can work independently of the person who engaged in retaliation.

Decision

76. The Secretary General will provide a written decision on the recommendations of the Ethics Advisor to the complainant, the Ethics Advisor, and Human Resources as appropriate, within 30 calendar days.

77. The decision must respect the confidentiality rights of the person who allegedly engaged in retaliation in relation to any ongoing disciplinary process.

78. Complainants will be informed on a confidential basis of any disciplinary sanctions imposed for the retaliatory action.

Prohibition of retaliation against outside parties

79. If established, any retaliatory measures against a contractor or its employees, agents or representatives, or any other individual engaged in any dealings with ICAO because such person has reported misconduct may lead to disciplinary or other appropriate action.

Review of decision by the Ethics Advisor

80. If, following a determination by the Ethics Advisor that there is no *prima facie* case of retaliation or threat of retaliation (paragraphs 71 a) and b) above), the complainant wishes to have the matter reviewed further, the individual may, within 30 calendar days of notification of the determination, refer the matter, in writing to the external ethics entity for an independent review⁵.

81. The external ethics entity will seek comments from the complainant and the Organization on the request for review and undertake its own independent review of the matter, which shall include review of the action previously taken by the Ethics Advisor and a determination of any additional action required, including whether referral for investigation is warranted in accordance with paragraphs 61 to 79 above. Following completion of this review, the external ethics entity will submit its recommendations to the Secretary General. The Secretary General shall implement the recommendations of the external ethics entity, including any recommendations to refer the matter for investigation. The outcome of the review of the external ethics entity shall be final and binding.

Review of administrative decisions under Article XI

82. The action, or non-action, of the Organization in respect to corrective actions (paragraph 75) will constitute a contestable administrative decision under Article XI of the ICAO Service Code if it has direct legal consequences affecting the terms and conditions of appointment of the complainant and may be contested within the deadlines specified under the ICAO Staff Rules.

83. Staff members are reminded that they may seek to challenge any administrative decision that they consider to be retaliatory under Article XI of the ICAO Service Code. Such recourse must comply with

⁵ The Organization will enter into an MoU with an external ethics entity within the United Nations system, such as the United Nations Ethics Office, for such review.

deadlines specified under those rules. Recommendations of the Ethics Advisor and the external ethics entity do not constitute administrative decisions and are not subject to challenge under Article XI.

Annual reports of the Ethics Advisor and the external ethics entity

84. The Ethics Advisor and the external ethics entity shall, on or before 31 January of each year, each provide their own annual report to the Council. The annual reports, which shall each contain an anonymized summary of all cases of retaliation or threat of retaliation handled by the Ethics Advisor and the external ethics entity in the preceding calendar year, and the findings and recommendations thereof pertaining to systemic improvement, shall be publicly available on the ICAO website.

85. The provisions on protection against retaliation shall prevail over any inconsistent provisions contained in the ICAO Service Code and/or other policies approved by the Council and other administrative issuances currently in force.

Organizational Aspects

Ethics Advisor

86. There shall be an Ethics Advisor within ICAO who shall report to the Secretary General. The Ethics Advisor shall be independent from all other services. The Ethics Advisor has both formal and informal access to the Council, the Evaluation and Audit Advisory Committee (EAAC), the External Auditor, the investigative entity, and the external ethics entity.

Access to the Ethics Advisor

87. All staff members shall have access to the Ethics Advisor, who shall provide information about submitting in a confidential way complaints of misconduct and retaliation as provided by the investigative entity, the external ethics entity, and the Personnel Instructions.

Duty to cooperate with the Ethics Advisor, the investigative entity, and the external ethics entity

88. All staff members have the duty to cooperate with the Ethics Advisor, the investigative entity, and the external ethics entity, and to provide access to all records documents and information requested by the said entities. The exceptions to this are medical records, which would not be available without the express consent of the staff member concerned, and records that are subject to confidentiality requirements.

89. Staff members who have provided information in good faith and/or have cooperated with investigations or audits are entitled to protection against retaliation.

Responsibilities in the field of ethics

Secretary General

90. The Secretary General is responsible, *inter alia*, for:
- a) supporting and upholding the ICAO framework on ethics;
 - b) ensuring that appropriate mechanisms are in place for the prevention and resolution of misconduct as well as for protecting staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;
 - c) ensuring that the Ethics function and the Office of Internal Oversight (OIO) function are adequately resourced;
 - d) ensuring that the Organization maintains valid MoUs and effective cooperation with the investigative entity and the external ethics entity;
 - e) preventing discriminatory acts and human rights violations;

- f) demonstrating zero tolerance for violations of Organization regulations and policies, including the ethics framework;
- g) ensuring the effective implementation of protective measures for claimants in retaliation cases as may be recommended by the Ethics Advisor or the external ethics entity
- h) holding at least one annual “town hall” meeting with staff, including a specific agenda item on ethics; and
- i) submitting, to the Council, on or before 31 January of each year, an annual report on actions taken in response to matters referred and investigation reports provided by the investigative entity on complaints of misconduct as well as recommendations made by the Ethics Advisor and the external ethics entity on complaints of retaliation or threats of retaliation. The annual report, which shall contain anonymized information on disciplinary and administrative measures taken in response to substantiated cases of misconduct and retaliation, shall be publicly available on the ICAO website.

Ethics Advisor

91. The Ethics Advisor is, *inter alia*, responsible for providing counsel and confidential advice to the Organization and its staff about ethics and standards of conduct. The Ethics Advisor shall promote ethical awareness through training, communication, policy development and liaison as well as handling complaints of retaliation. Examples of tasks are:

- a) providing advice to the Secretary General and the Council on policies and procedures related to ethics issues;

- b) prevention and outreach through the development and implementation of mandatory ethics training programmes (initial and refresher) and internal communication, including contribution to ICAO's website on the ethics function;
- c) providing confidential ethics advice and guidance to all staff members and protecting all confidential information received from staff and other sources;
- d) administering the ICAO policy for the protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;
- e) developing, implementing and administering ICAO's financial disclosure and conflict of interest declaration programmes;
- f) submitting, to the Council, an annual report, unchanged by the Secretary General, together with any comments of the Secretary General thereon; and
- g) maintaining records of advice and guidance given.

Directors, Chiefs and Supervisors

92. Directors, Chiefs and Supervisors shall, *inter alia*, be responsible for:

- a) communicating clearly to all their staff members ICAO's policy on ethical issues and ensuring they participate in mandatory ethics training;
- b) taking steps at an early stage to prevent and/or resolve conflicts between staff members in their unit;
- c) taking swift and appropriate preventative action on potential cases of misconduct, especially harassment, as soon as they become aware of such situations;

- d) taking an active part in the mediation/resolution of actual cases of misconduct as soon as they become aware of such situations;
- e) notifying the investigative entity of any elements of misconduct found during the performance of tasks by their respective bureaus and offices; and
- f) taking appropriate actions, following the resolution of cases, and ensuring that measures are in place to prevent recurrence of conflict, harassment, and retaliation.

Staff members

93. Staff members shall, *inter alia*, be responsible for:

- a) behaving in a way that ensures that the workplace is free of intimidation, hostility or offence and any form of misconduct; and
- b) not tolerating any form of misconduct, especially any form of harassment.

Ombudsperson

94. The Secretary General shall designate an Ombudsperson. The role of the Ombudsperson shall be, *inter alia*, to:

- a) provide a channel for dialogue and conciliation between staff members, supervisors and the administration in cases of disagreements or disputes of a non-ethical nature in order to avoid, to the extent possible, recourse to ICAO's formal machinery for settlements of disputes;
- b) attempt to effect conciliation and settlement of these disputes through fact-finding, discussion and involvement of all interested parties and, when required, address recommendations to the parties to the dispute;

- c) assist and counsel staff members individually in case of problems and grievances relating to the terms and conditions of employment, their working conditions or their relations with supervisors and colleagues; and
- d) submit a report of the activities of the Ombudsperson to the Secretary General at the end of each year.

Procedures in relation to the Framework on Ethics

95. Detailed procedures in relation to the ICAO Framework on Ethics are laid down in the Staff Rules and Personnel Instructions.

ANNEX II
SALARY SCALES

ANNEX II-A
SALARY SCALE FOR THE PROFESSIONAL AND HIGHER CATEGORIES
Annual gross salaries and net equivalents after application of staff assessment (in U.S. dollars)
(effective 1 January 2023)

LEVEL		STEP												
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
D-2	Gross	154,212	157,747	161,282	164,820	168,359	171,895	175,429	175,968	182,203	186,038			
D-2	Net	117,280	119,613	121,946	124,281	126,617	128,951	131,283	133,619	135,952	138,285			
D-1	Gross	137,890	140,817	143,750	146,680	149,599	152,683	155,789	158,889	161,998	165,102	168,206	171,308	174,415
D-1	Net	106,023	108,072	110,125	112,176	114,219	116,271	118,321	120,367	122,419	124,467	126,516	128,563	130,614
P-5	Gross	118,901	121,393	123,886	126,373	128,866	131,353	133,847	136,336	138,827	141,316	143,809	146,294	148,790
P-5	Net	92,731	94,475	96,220	97,961	99,706	101,447	103,193	104,935	106,679	108,421	110,166	111,906	113,653
P-4	Gross	97,139	99,353	101,701	104,104	106,507	108,910	111,317	113,720	116,123	118,523	120,931	123,329	125,733
P-4	Net	77,326	79,008	80,691	82,373	84,055	85,737	87,422	89,104	90,786	92,466	94,152	95,830	97,513
P-3	Gross	79,764	81,813	86,863	85,909	87,961	90,008	92,057	94,108	96,155	98,203	100,279	102,501	104,727
P-3	Net	64,121	65,678	67,236	68,791	70,350	71,906	73,463	75,022	76,578	78,134	79,695	81,251	82,809
P-2	Gross	61,680	63,512	65,343	67,175	69,011	70,845	72,680	74,507	76,341	78,172	80,005	81,842	83,672
P-2	Net	50,377	51,769	53,161	54,553	55,948	57,342	58,737	60,125	61,519	62,911	64,304	65,700	67,091
P-1	Gross	47,471	48,896	50,349	51,905	53,459	55,017	56,570	58,128	59,682	61,239	62,793	64,347	65,904
P-1	Net	39,401	40,584	41,765	42,948	44,129	45,313	46,493	47,677	48,858	50,042	51,223	52,404	53,587

Note.— Shaded steps will be granted biennially.

ANNEX II-B
GENERAL SERVICE CATEGORY GRADING AND SALARY SCALES
(in Canadian dollars)
(effective 1 August 2022)

LEVEL		STEP										LONG SERVICE STEP
		I	II	III	IV	V	VI	VII	VIII	IX	X	
G-7	(Gross)	66 249	69 491	72 732	75 974	79 250	82 582	85 914	89 246	92 578	95 910	99 242
	(Gross Pens.)	65 135	68 252	71 366	74 528	77 773	81 013	84 255	87 497	90 739	93 982	97 225
	(Total Net)	51 624	54 023	56 422	58 821	61 220	63 619	66 018	68 417	70 816	73 215	75 614
	(Net Pens.)	51 624	54 023	56 422	58 821	61 220	63 619	66 018	68 417	70 816	73 215	75 614
G-6	Gross	60 336	63 308	66 280	69 251	72 223	75 195	78 171	81 225	84 279	87 333	90 388
	Gross pens.	59 458	62 314	65 170	68 024	70 880	73 749	76 721	79 690	82 662	85 631	88 603
	Total net	47 249	49 448	51 647	53 846	56 045	58 244	60 443	62 642	64 841	67 040	69 239
	Net pens.	47 249	49 448	51 647	53 846	56 045	58 244	60 443	62 642	64 841	67 040	69 239
G-5	Gross	54 958	57 677	60 396	63 115	65 834	68 553	71 272	73 991	76 709	79 468	82 263
	Gross pens.	54 287	56 901	59 512	62 127	64 740	67 353	69 965	72 577	75 265	77 983	80 702
	Total net	43 269	45 281	47 293	49 305	51 317	53 329	55 341	57 353	59 365	61 377	63 389
	Net pens.	43 269	45 281	47 293	49 305	51 317	53 329	55 341	57 353	59 365	61 377	63 389
G-4	Gross	50 092	52 503	54 991	57 478	59 966	62 454	64 942	67 430	69 918	72 405	74 893
	Gross pens.	49 541	51 935	54 323	56 712	59 100	61 491	63 880	66 270	68 659	71 050	73 438
	Total net	39 611	41 452	43 293	45 134	46 975	48 816	50 657	52 498	54 339	56 180	58 021
	Net pens.	39 611	41 452	43 293	45 134	46 975	48 816	50 657	52 498	54 339	56 180	58 021
G-3	Gross	45 766	47 953	50 140	52 341	54 616	56 892	59 168	61 443	63 719	65 995	68 270
	Gross pens.	45 215	47 402	49 586	51 773	53 960	56 146	58 334	60 519	62 706	64 892	67 077
	Total net	36 280	37 964	39 648	41 332	43 016	44 700	46 384	48 068	49 752	51 436	53 120
	Net pens.	36 280	37 964	39 648	41 332	43 016	44 700	46 384	48 068	49 752	51 436	53 120
G-2	Gross	41 773	43 775	45 778	47 781	49 783	51 786	53 861	55 945	58 028	60 112	62 196
	Gross pens.	41 213	43 217	45 219	47 223	49 226	51 229	53 232	55 237	57 239	59 243	62 196
	Total net	33 205	34 747	36 289	37 831	39 373	40 915	42 457	43 999	45 541	47 083	48 625
	Net pens.	33 205	34 747	36 289	37 831	39 373	40 915	42 457	43 999	45 541	47 083	48 625
G-1	Gross	38 136	39 969	41 801	43 634	45 466	47 299	49 131	50 964	52 828	54 735	56 642
	Gross pens.	37 579	39 413	41 246	43 078	44 914	46 745	48 578	50 411	52 244	54 077	55 910
	Total net	30 405	31 816	33 227	34 638	36 049	37 460	38 871	40 282	41 693	43 104	44 515
	Net pens.	30 405	31 816	33 227	34 638	36 049	37 460	38 871	40 282	41 693	43 104	44 515

ANNEX II-B

1/8/22

ANNEX III

ICAO STAFF ASSESSMENT PLAN

1. An assessment at the rates and under the conditions specified below shall be applied to the salaries and such other emoluments of staff members as are computed on the basis of salary, excluding post adjustments, provided that the Secretary General may, where the Secretary General deems it advisable, exempt from the assessment the salaries and emoluments of staff engaged at locality rates.

2. The assessment shall be calculated according to the following rates:

- a) for staff members in the Professional and higher categories:

<i>Total assessable payments per year (in U.S. dollars)</i>	<i>Assessment (per cent)</i>
First 50 000	17
Next 50 000	24
Next 50 000	30
Remaining assessable payments	34

- b) for staff members in the General Service category:

<i>Total assessable payments per year (in U.S. dollars)</i>	<i>Assessment (per cent)</i>
First 20 000	19
20 001 to 40 000	23
40 001 to 60 000	26
60 001 and above	31

c) the Secretary General shall determine in each case which of the scales set out in 2 a) and b) above shall apply to staff engaged under the provisions of Regulation 4.28.

3. The resulting net salary shall be rounded to the nearest dollar.

4. In the case of a person who is not employed by the Organization for the whole of a calendar year or in cases where there is a change in the annual rate of payments made to a staff member, the rate of assessment shall be governed by the annual rate of each such payment made to the staff member.

5. The assessment computed under the foregoing provisions shall be collected by the Organization by withholding it from payments. No part of the assessment so collected shall be refunded because of cessation of employment during the calendar year.

ANNEX IV

HUMAN RESOURCES COMMITTEE

1. (Deleted).
2. (Deleted).
3. (Deleted).
4. (Deleted).
5. (Deleted).
6. (Deleted).

PROCEDURES FOR THE SELECTION OF D-2 AND D-1 POSTS AND THE POST OF ETHICS ADVISOR

Vacancy Notice

7. The review of the vacancy notices for D-2 and D-1 posts [and the post of the Ethics Advisor] will fall in the remit of the Committee on Governance. The Vacancy Notice shall be submitted to the Committee on Governance for review and approval at least 10 months prior to the date the post is anticipated to become vacant.

Candidates

8. (Deleted).
9. (Deleted).
10. (Deleted).

10bis. The Secretariat will undertake the selection process as per the standard selection procedure including screening and evaluation of applications, shortlisting, substantive written test(s), interviews and

assessment center (in consultation with the President of the Council at appropriate stages of the selection process), reference checks, academic verification, and vetting of the shortlisted candidates for conflicts of interest and history of misconduct and/or criminal activity.

10ter. Following completion of all required actions as part of the selection process, the Secretary General will select for appointment a candidate from the final shortlist, in consultation with and subject to the approval of the President of the Council.

Decision for D-2 posts

11. Following verification of the qualifications of the shortlisted candidates and, after obtaining the written approval of the President of the Council, the Secretary General shall inform the Council of the chosen candidate, in writing. Should the President of the Council disapprove of the candidate chosen by the Secretary General, the latter shall choose another candidate from the final shortlist, obtain the written approval of the President of the Council, and inform the Council of the choice, in writing. In exceptional cases, the Secretary General may decide to readvertise the post following the procedures set out in this Annex for the selection of D-2 posts and inform the Council accordingly.

12. The Council shall consider the appointment of the chosen candidate and the Secretary General shall appoint the candidate, unless disapproval is expressed by a majority of the Members of the Council. The vote of the Council shall be taken by secret ballot, unless waived by the unanimous decision of the Members represented at the meeting. An Electronic Bulletin announcing the appointment shall be disseminated to States and a Staff Notice shall be published internally.

13. Should the Council express its disapproval of the candidate chosen by the Secretary General, the Secretary General shall choose another candidate from the final shortlist and, after obtaining the written approval of the President of the Council, shall inform the Council of the choice, in writing. In exceptional cases, the Secretary General may decide to readvertise the post, following the procedures set out in this Annex for the selection of D-2 Bureau Directors, and inform the Council accordingly.

Decision for D-1 posts other than Chief, Office of Internal Oversight (C/OIO)

14. Following verification of the qualifications of the shortlisted candidates, and after obtaining the written approval of the President of the Council, the Secretary General shall choose the preferred candidate and report the decision to the Representatives on the Council via a Confidential Secretary General memorandum, also providing a high-level summary of the selection process. Members of the Council may contact the Secretary General for any concerns, questions, or requests for clarification relating to the information presented in the said correspondence. An Electronic Bulletin announcing the appointment shall be disseminated to States and a Staff Notice shall be published internally.

15. Should the President of the Council disapprove of the candidate chosen by the Secretary General, the latter shall choose another candidate from the final shortlist, obtain the written approval of the President of the Council, and report the decision as described in paragraph 14 above. In exceptional cases, the Secretary General may decide to readvertise the post following the procedures set out in this Annex for the selection of D-1 posts, and inform the Council accordingly.

Decision for D-1 C/OIO and the Ethics Advisor

16. Following verification of the qualifications of the shortlisted candidates and, after obtaining the written approval of the President of the Council, the Secretary General shall inform the Council of the chosen candidate, in writing. Should the President of the Council disapprove of the candidate chosen by the Secretary General, the latter shall choose another candidate from the final shortlist, obtain the written approval of the President of the Council, and inform the Council of the choice, in writing. In exceptional cases, the Secretary General may decide to readvertise the post, and inform the Council accordingly.

17. The Council shall consider the appointment of the chosen candidate and the Secretary General shall appoint the candidate, unless disapproval is expressed by a majority of the Members of the Council. The vote of the Council shall be taken by secret ballot, unless waived by the unanimous decision of the Members represented at the meeting. An

Electronic Bulletin announcing the appointment shall be disseminated to States and a Staff Notice shall be published internally.

18. Should the Council express its disapproval of the candidate chosen by the Secretary General, the Secretary General shall choose another candidate from the final shortlist and, after obtaining the written approval of the President of the Council, shall inform the Council of the choice, in writing. In exceptional cases, the Secretary General may decide to readvertise the post, and inform the Council accordingly.

Interim Arrangements in Cases of Unexpected Vacancies for D-1 posts

19. When a D-1 post unexpectedly becomes vacant (resignation without appropriate notice, summary dismissal, death of incumbent, etc.), the Secretary General, after obtaining the written approval of the President of the Council, may decide to transfer and/or reassign another staff member at the D-1 level to this vacant post (Staff Regulation 4.37). Alternatively, pending completion of the recruitment process, the Secretary General, after obtaining the written approval of the President of the Council, may decide to temporarily assign the functions of the post to a staff member who is at a lower grade level and to grant the staff member a Special Post Allowance (Staff Rule 103.15), under the conditions specified in this staff rule, and for a duration which shall not exceed 12 months. Under no circumstances should such an assignment result in a permanent promotion without prior competitive process. The Secretary General shall report the decision in a Staff Notice, which shall be copied to the Representatives on the Council.

Probationary Period and Reappointment for D-2 and D-1 posts

Probationary period

20. The first year of the initial appointment shall be a probationary period. The Secretary General, after having obtained the written approval of the President of the Council, shall inform the Council, in writing, at least one month in advance of the expiry of the probationary period, of whether or not the Secretary General intends to confirm the

contract in the case of D-2 Bureau Directors and D-1 C/OIO, and of the Secretary General's decision in the case of all other staff members in D-1 posts.

Reappointment

21. An incumbent serving in a post of D-2 Bureau Director or D-1 post (other than D-1 C/OIO) may be reappointed once, provided that the incumbent's total period of service is within the maximum allowable for these positions (Staff Regulations 4.15 and 4.20) and taking into account the mandatory retirement age of the Organization (Staff Regulation 9.15).

For D-2 posts

22. Approximately 10 months prior to the end of the first term of a D-2 Bureau Director, the Secretary General, following consideration of the incumbent's performance, and after having obtained the written approval of the President of the Council, shall inform the Council, in writing, of the Secretary General's intention to either reappoint the incumbent for the second term or to advertise the post.

23. In cases where the Secretary General has opted to reappoint a D-2 Bureau Director, the Secretary General shall reappoint the incumbent, unless disapproval is expressed by a majority of the Members of the Council. The vote of the Council shall be taken by secret ballot, unless waived by unanimous decision of the Members represented at the meeting. An Electronic Bulletin announcing the reappointment shall be disseminated to States.

24. In cases where the Secretary General has opted not to reappoint the incumbent and to advertise the post, or where the Council has expressed disapproval of the reappointment of an incumbent pursuant to paragraph 20 above, the procedures set out in this Annex for the selection of D-2 Bureau Directors shall apply.

For D-1 posts other than C/OIO

25. Approximately 10 months prior to the end of the first term of a D-1 staff member, the Secretary General, following consideration of the incumbent's performance, and after having obtained the written

approval of the President of the Council, shall inform the Council, in writing, of the Secretary General's decision to reappoint the incumbent for the second term or to advertise the post. In the case of reappointment, an Electronic Bulletin announcing the decision shall be disseminated to States.

26. In cases where the Secretary General has opted not to reappoint the incumbent and to advertise the post, the procedures set out in this Annex for the selection of D-1 posts shall apply.

Application of serving D-2 and D-1 incumbents

27. Staff members serving in D-2 Bureau Director posts or D-1 posts (other than D-1 C/OIO) who have already served one term may reapply for the post they occupy and which has been advertised on the understanding that their application shall be subject to the competitive process applicable for all candidates. The mere fact of having filled the post will not be considered as a factor in their favour.

28. A staff member in a D-2 Bureau Director post or in a D-1 post (other than D-1 C/OIO) who has completed a second term and reached the maximum period of service for these positions (Staff Regulations 4.15 and 4.20) may be eligible for appointment to another position within the Organization on the express approval of the Council.

ANNEX V

TRANSITIONAL ARRANGEMENTS FOR THE IMPLEMENTATION OF REVISED CONTRACTUAL ARRANGEMENTS

1. With the introduction of the revised contractual arrangements, effective 1 January 2011, the following transitional measures will be implemented:

- a) Staff members holding permanent appointments shall retain their existing conditions of employment until their separation from the Organization; and
- b) Staff members holding term appointments shall retain their existing conditions of employment until their separation from the Organization, or until their appointments are converted to continuing appointments, whichever comes first.

2. Staff members holding fixed-term appointments prior to 1 January 2011 shall retain their existing conditions of employment until the expiration date specified in their letter of appointment. Fixed-term appointments issued after 1 January 2011 shall be governed by the terms and conditions applicable to fixed-term appointments under these Regulations.

3. Staff members holding temporary appointments prior to 1 January 2011 shall retain their existing conditions of employment until the expiration date specified in their letter of appointment. Temporary appointments issued after 1 January 2011 shall be governed by the terms and conditions applicable to temporary appointments under these Regulations.

ANNEX VI

TERMINATION INDEMNITY

1. Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

- a) Except as provided in paragraphs b), c), d) and e) below and in Regulation 9.3, the termination indemnity shall be paid in accordance with the following schedule:

<i>Completed years of service</i>	<i>Months of gross salary, less staff assessment, where applicable</i>		
	<i>Temporary appointments exceeding six months</i>	<i>Fixed-term appointments</i>	<i>Continuing appointments</i>
Less than 1	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay	Not applicable
1			Not applicable
2			Not applicable
3			Not applicable
4			Not applicable
5			5
6		3	6
7		5	7
8		7	8
9	Not applicable	9	9
10		9.5	9.5
11		10	10
12		10.5	10.5
13		11	11
14		11.5	11.5
15 or more		12	12

- b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under paragraph a) of the present annex reduced by the amount of any disability benefit that the staff member may receive under the Regulations

of the United Nations Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds;

- c) A staff member whose appointment is terminated for unsatisfactory service or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal may be paid, at the discretion of the Secretary General, an indemnity not exceeding one half of the indemnity provided under paragraph a) of the present annex;
- d) No indemnity payments shall be made to:
 - i) A staff member who resigns, except where termination notice has been given and the termination date agreed upon;
 - ii) A staff member who has a temporary or a fixed-term appointment that is completed on the expiration date specified in the letter of appointment;
 - iii) A staff member who is summarily dismissed;
 - iv) Staff members who abandon their post; and
 - v) A staff member who is retired under the Regulations of the United Nations Joint Staff Pension Fund;
- e) Personnel specifically engaged for conference and other short-term service, as consultants or as experts, and staff members who are locally recruited for service in established offices away from Headquarters may be paid termination indemnity if and as provided in their letters of appointment.

ANNEX VII

CRITERIA FOR GRANTING CONTINUING APPOINTMENTS

1. The eligibility criteria for granting continuing appointments in the ICAO Secretariat are as follows:

- a) continuing need of the functions and responsibilities of the position;
- b) selection through an ICAO competitive process, following established recruitment procedure;
- c) five years prior continuous service with the Secretariat under a fixed-term appointment subject to the ICAO Staff Regulations;
- d) satisfactory performance for the five years prior to consideration for a continuing appointment; and
- e) not have been subject to any formal disciplinary measure for the five years prior to consideration for a continuing appointment.

— END —

NOT FOR SALE