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DUTIES, OBLIGATIONS AND PRIVILEGES OF STAFF MEMBERS

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CHAPTER I

DUTIES, OBLIGATIONS AND PRIVILEGES OF STAFF MEMBERS

20100 INTRODUCTION AND APPLICABILITY

1.0 Introduction

The provisions for internationally-recruited staff contained in this volume are not issued as an amendment to nor substitute of the Staff Regulations and Staff Rules of the United Nations, which prevail in case of variance in interpretation. They are rather intended to clarify and, where appropriate, supplement the provisions of the Staff Regulations and Staff Rules which apply to internationally-recruited staff members in Headquarters or in country offices.

2.0 Applicability

1. This volume of the Manual is applicable to:

- Internationally-recruited staff in the Professional and higher categories appointed under the 100 series of Staff Rules holding UNDP letters of appointment; and
- Project personnel and junior professional officers (JPOs) appointed under the 200 series of Staff Rules holding UNDP letters of appointment.

2. It is not applicable to:

- Staff in the General Service category, whether Headquarters or country office administered;
- National Professional Officers (NPO);
- United Nations Volunteers (UNV);
- Personnel engaged through a Special Service Agreement (SSA) or Reimbursable Loan Agreement (RLA); and
- Staff engaged under the 300 series of the Staff Rules under short-term appointments or appointments for activities of limited duration (ALD).

2.1 Short-term translators and interpreters

1. Arrangements exist at the common system level regarding the terms and conditions for the employment of short-term translators and interpreters for United Nations-sponsored activities. UNDP and other organizations have agreed that these arrangements will be followed when this type of personnel is hired for such activities. Country offices are, therefore, obliged to adhere to the agreed upon terms and conditions which affect, inter alia, the rates of pay applicable to translators and interpreters.

2. The Office of Human Resources maintains centrally the relevant information regarding the employment of translators and interpreters, and periodically receives updates on the relevant rates of pay.

3. Country offices should contact the Office of Human Resources when they contemplate

hiring personnel for translating and interpreting activities, in order to request the up-to-date information governing these arrangements.

20101 GENERAL PROVISIONS

1. Upon appointment, every internationally -recruited staff member is issued a letter of appointment and a copy of the appropriate series of the Staff Regulations and Staff Rules. In addition, he/she receives a copy of the report of the International Civil Service Advisory Board (ICSAB) on Standards of Conduct in the International Civil Service which sets forth the standards by which international civil servants should be guided. ¹

2. Upon appointment, staff members also subscribe to and sign the following oath of office or declaration (Form P.34, Appendix 1.0):

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization." ²

3. All staff members, by virtue of their appointment with UNDP, are international civil servants. This means that their functional responsibilities are not national, but exclusively international.

4. By accepting appointment, staff members pledge themselves to discharge their functions and to regulate their conduct with the interests of UNDP and of the United Nations only in view.

5. Staff members are subject to the Administrator's authority and may be assigned to any of the activities or offices of UNDP (see also section 20303).

6. Staff members are required to conduct themselves at all times in a manner befitting their status as international civil servants, and should exercise the utmost discretion in regard to all matters of official business. They should avoid any action and in particular, any public pronouncement, which may reflect adversely on their status or on the integrity, independence and impartiality, which are required by that status.

7. Staff members may not communicate to any person any information known to them by reason of their employment, which has not been made public, except in the course of their duties or if otherwise authorized to do so, nor may they use such information to their private advantage. These obligations do not cease after separation from the Organization. A staff member who is approached by a representative of the information media for any statement relating to his/her work or official position should use the utmost discretion. In case of doubt, the staff member should seek the guidance of his/her supervisor before responding.

8. Staff members may exercise the right to vote, but they must not engage in any political activity inconsistent with their status or which might reflect upon the independence and impartiality required of international civil servants.

9. The Charter of the United Nations provides that the Organization enjoys in the territory of its members such privileges and immunities as are necessary for the fulfilment of its purpose, and that officials of the Organization similarly enjoy such privileges and immunities as are necessary for the independent exercise of their official functions. The General Assembly consequently adopted in 1946 the Convention on the Privileges and Immunities of the United Nations. Article V of the Convention provides the following privileges and immunities for international civil servants:

- (i) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. This immunity, which is also known as functional immunity, extends to all stages of civil and criminal judicial proceedings;
- (ii) Exemption from taxation on the salaries and emoluments paid to them by the United Nations;
- (iii) Immunity from national service obligations;
- (iv) Immunity, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (v) The same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (vi) The same repatriation facilities in time of international crisis, together with their spouses and relatives dependent on them, as diplomatic envoys; and
- (vii) The right to import their furniture and effects free of duty at the time of first taking up their assignment in the country in question.

10. Privileges and immunities are accorded in the interests of UNDP and not for the personal benefit of staff members. No privileges or immunity which may accrue to staff members by virtue of their status is to be regarded as providing an excuse for avoidance of private obligations or for failing to observe any law or police regulation. Procedures have been developed to protect the functional immunity of staff members, particularly in cases of arrest and detention. For details in this respect, the United Nations Security Handbook should be consulted.

¹Report on Standards of Conduct in the International Civil Service (COORD/Civil Service/5) refers.

²United Nations Staff Regulations 1.9 and 1.10 refer.

20102 CONDUCT OF STAFF VIS -A-VIS GOVERNMENTS

1. Staff members are responsible solely to the Administrator in the performance of their duties and pledge themselves not to seek or accept instructions from any Government or from any other authority external to the Organization.¹ This undertaking given by staff members is paralleled by one given by Governments under Article 100, paragraph 2 of the Charter of the United Nations that they will not seek to influence staff members in the performance of their duties.

2. The Report on Standards of Conduct in the International Civil Service referred to in section 20101 contains an explicit reference to the issue of attempting to have Governments influence the careers of staff which reads as follows:

"Adequate arrangements should and do exist within the international organizations for a staff member to secure fair treatment in respect of his personal administrative status. It is thus inexcusable for an official to lobby with governmental representatives or members of legislative bodies in order to secure support for improvements in his personal situation or that of another staff member, or for blocking or reversing unfavourable decisions regarding his status. The proper method for raising staff problems is through the normal channels provided in each organization. The Board trusts that governmental representatives or members of legislative bodies, in turn, will neither accede to any such requests, nor on their own initiative intervene in such administrative matters."

3. It is, therefore, wholly inappropriate to seek the support or influence of any national Government in matters concerning, for example, assignment of staff to particular posts or functions within UNDP, issues of promotion, appointments of resident representatives and other career-related issues.

4. Staff members may not accept any honour, decoration, favour, gift or remuneration from any Government, excepting for war service, nor should a staff member accept any honour, decoration, favour, gift or remuneration from any source external to UNDP without prior approval. Requests for such approval, which are granted only in exceptional cases, are submitted to the Director, Office of Human Resources, through the resident representative in the case of staff serving at country offices.

5. Receipt from a Government of any form of supplement to the emoluments payable by UNDP is therefore contrary to the letter and spirit of the Charter of the United Nations and the Staff Regulations and Staff Rules, and fundamentally compromises the independence of the individuals involved. The practice of national subsidies to supplement staff income, in any form, is unacceptable.

6. Accordingly, any staff member who receives or who is offered a supplement to his/her UNDP income from a Government, in the form of a cash payment or any other form of benefit, must immediately make arrangements to return or reject such supplement. Any staff member who has difficulty in complying with this instruction or in interpreting it in relation to his or her particular circumstances should immediately notify the Director of Personnel, who will determine the appropriate action in each case.

7. Any attempt by a staff member to have a national Government influence his or her career, or the receipt by any staff member of any form of supplemental payment or benefit from a Government will be considered as constituting misconduct within the meaning of Staff

Regulations 10.2 leading to the imposition of disciplinary measures in accordance with Staff Rule 110.3. See section 21106 for details on misconduct and disciplinary measures.

¹United Nations Staff Regulation 1.3 refers. Guidance on the practical application of this rule is to be found in Chapter III of the [Report on Standards of Conduct in the International Civil Service](#) referred to in section 20101.

20103 OUTSIDE ACTIVITIES¹

1.0 General

1. By accepting appointment with UNDP, staff members undertake a number of obligations which may have a bearing on certain activities outside their official duties. As a result, difficulties may arise in reconciling a continuous or recurring outside activity of a substantial nature with the principles set out in the Report on Standards of Conduct in the International Civil Service (see section 20101).

2. It is, nonetheless, recognized that professional competence can be enhanced through related outside activities. These may be authorized if the activity in question:

- Is compatible with the staff member's status as an international civil servant; and
- Does not interfere with the work of the staff member, nor with his/her ability to accept any new assignment which the Administrator may require the staff member to assume.²

3. Provided that both the above conditions are met, no approval is required for an activity which is neither continuous nor recurring, if it takes place outside working hours or while the staff member is on leave.

4. Approval is, however, required for an activity which is continuous or recurring, or any outside activity that takes place during working hours.

5. Staff members may not be actively associated with the management of, or hold a financial interest in any business or organization, if it is possible for them to benefit from such association or financial interest by reason of their position in UNDP. The mere holding of shares in a company does not constitute a financial interest unless such holding constitutes a substantial control.

6. Except in the normal course of their official duties, staff members may not engage in any of the following activities if these relate to the purpose, activities or interests of the United Nations system unless prior approval has been obtained from the Office of Human Resources for staff at Headquarters, or from the resident representative for staff in country offices:

- Issue statements to the press, radio, television or other information media;
- Accept speaking engagements; and
- Take part in film, theatre, radio or television productions.³

7. When staff members are required as part of their official duties to issue statements or publications, they must adhere to the public information clearance policy. The public information clearance policy and procedures were established to avoid duplication, to deliver consistent messages about the Organization and its policies and to maintain a quality of design and presentation that convey a consistent and favourable image of UNDP. The public information clearance policy relates to printed or filmed material designed for general dissemination to the public or specialized segments of the public by UNDP and/or its associated funds. All public information activities of any organizational unit must be submitted to the Division of Public Affairs for prior clearance, for design, editing and production.

8. The submission of articles, books or other material for publication by external publishers

is encouraged as a valuable element in the development of individual staff members' professional skills. Publishers are considered external if they are not legally subsidiary to any organ of the United Nations. Approval will normally be granted by the Office of Human Resources for such publication, if the article, book or other material includes, where and when appropriate, the following disclaimer:

"The views expressed herein are those of the author(s) and do not necessarily reflect the views of the United Nations Development Programme."

2.0 Procedures for requesting approval for outside activities

1. A staff member wishing to engage in an outside activity for which approval is required (see subsection 1.0, above) should submit a written request through his/her supervisor containing the following:

- A full description of the nature of the activity;
- Location and duration of the activity;
- Compensation to be received; and
- Any other pertinent information.

For requests from staff in country offices to engage in outside activities of a continuous or recurring nature, the resident representative refers the request along with his/her comments to the Office of Human Resources for approval. All requests from staff at Headquarters are referred to the Office of Human Resources for approval.

2. In considering requests to engage in outside activities of a continuing or recurrent nature, account is taken in particular, of the relationships between the outside activity and the official duties of the staff member, and between the staff member's emolument from UNDP and any remuneration to be received by the staff member for the outside activity. Continuing or recurrent activities are authorized for no more than twelve months at a time.

3. The Office of Human Resources (in cases with continuing or recurrent activities), or the resident representative (cases which are not continuous or recurring, but take place during office hours), decides on such requests in accordance with the guidelines stated above and informs the staff member of the decision normally within two weeks of receiving the request. If the request is rejected, the staff member is informed of the reasons.

4. If the request for outside activities is approved, the approval will be considered as a basis for granting special leave⁴ if such leave is necessary for the conduct of the outside activity concerned.

5. In considering requests to perform the activities referred to in subsection 1.0, paragraph 4, above account is taken, in particular, of the nature of the forum in which the staff member is to appear. If such requests are approved, staff members are still expected to avoid public statements of a controversial nature, particularly insofar as these may relate to national policies and interests.

6. Copies of approved requests are kept on the staff member's official status file (see section 20207, subsection 2.0).

¹United Nations Staff Regulation 1.6 and Staff Rule 101.6 refer.

²United Nations Staff Regulation 1.2 refers.

³United Nations Staff Rule 101.6(e) refers.

⁴United Nations Staff Rule 105.2 refers.

20104 NOTIFICATION BY STAFF MEMBERS AND OBLIGATION TO SUPPLY INFORMATION¹

1. Staff members are responsible on appointment for supplying the Office of Human Resources with any information which may be required for the purpose of determining or revising their status under the Staff Regulations and Staff Rules or of completing administrative arrangements in connection with their appointment.
2. A staff member may at any time be required to supply information concerning facts prior to his/her appointment and relevant to his/her suitability, or concerning facts relevant to his/her integrity, conduct and service as a staff member.
3. Staff members are also responsible for promptly notifying the Office of Human Resources, in writing, of any subsequent changes affecting their status under the Staff Regulations or Staff Rules. These may include changes in dependency status (i.e. marriage, divorce, legal separation, birth, death, spousal income, children over 18 years of age ceasing full-time school attendance).
4. A staff member who intends to acquire permanent residence status in any country other than that of his/her nationality or who intends to change his/her nationality must notify the Office of Human Resources of that intention before the change in residence status or in nationality becomes final.
5. A staff member who is arrested, charged with an offence other than a minor traffic violation or summoned before a court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for any offence other than a minor traffic violation must immediately report the fact to the Office of Human Resources in the case of staff at Headquarters, or through the resident representative in the case of staff serving at country offices.

¹United Nations Staff Rules 104.4 and 204.4 refer.

20105 PROCEDURE TO BE FOLLOWED IN CASES OF ARREST OR DETENTION

The appropriate provisions on immunity from legal process under the Convention on Privileges and Immunities of the United Nations and/or UNDP Standard Basic Assistance Agreement should be taken into account in cases of arrest or detention by the local authorities of a UNDP staff member, or a member of his/her immediate family. The Office of Human Resources or the resident representative should follow the procedures set forth in the section "Reporting Arrest or Detention of Staff Members" as reflected in the United Nations Security Handbook.

20106 FINANCIAL RESPONSIBILITY OF STAFF MEMBERS

1. The matter of personal responsibility and financial liability of UNDP staff is of great importance. Any failure to adhere strictly to established UNDP Financial Regulations and Rules and procedures will be addressed immediately. Delegation of authority from the Administrator or his designates to staff members carry with them equivalent levels of responsibility and accountability. All staff members should comply to UNDP Financial Rule 103.2, which states:

"All officials of UNDP are responsible to the Administrator for the regularity of actions taken by them in the course of their duties. Any official who takes any action contrary to these Financial Rules or to instructions which may be issued in connection therewith may be held personally responsible and financially liable for the consequences of such action."

2. This principle is reiterated in UNDP Financial Rule 114.15(b) referring to the investigation of write-offs of cash and receivables. A staff member at Headquarters or in the country offices may be required to reimburse UNDP either partially or in full for any financial loss suffered by UNDP, as a result of his/her negligence or violation of any regulation, rule or administrative instruction.¹

3. Under the UNDP Financial Regulations and Rules the Administrator is fully responsible and accountable to the Executive Board for all phases and aspects of UNDP activities.

4. Certain Administrator's financial responsibilities have been delegated to country offices. Thus, appointment as resident representative or deputy resident representative carries with it the designation of "Approving Officer" and "Alternate Approving Officer" respectively. In this capacity, these officers are responsible for approving the incurring of commitments for the procurement of goods and services, for approving certain payments, and, in general, for ensuring compliance with the regulations, rules and instructions relating to the financial administration of the office. For details on the responsibilities of approving and certifying officers, the Finance Manual should be consulted.

5. Staff members should report any case of inappropriate use of the UNDP funds to the Assistant Administrator and Director, Bureau for Finance and Administration through "private and confidential" letter, with copy marked "personal" to the Director of Personnel. These should include cases where staff members act on the basis of a direct instruction of a supervisor but have reservations about the regularity of the action taken. A discrete review is made by BFA and OHR to verify the facts and appropriate action to be taken. Should the information be confirmed, a full investigation will be made to determine responsibility, financial loss and possible personal liability.

¹United Nations Staff Rules 112.3 and 212.2 refer.

20107 LIABILITY INSURANCE

1. Staff member who own or drive motor cars should carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons or from damage to the property of others caused by their cars. ¹

2. The Herbert L. Jamison and Company and J. Van Breda and Company offer automobile insurance for internationally -recruited staff members of UNDP and of specialized agencies in the field. Any decision to contract one of these insurances is a matter strictly between the company and the individual staff member. See section 20806 of this manual and General Administration Manual, sections 501 and 503, for details on the insurance plans.

¹United Nations Staff Rules 112.4 and 212.3 refer.

20108 PROPRIETARY RIGHTS

All rights, including title, copyright and patent rights, or relating to any work performed by a staff member as part of his/her official duties, are vested in UNDP. ¹

¹United Nations Staff Rules 112.7 and 212.6 refer.

20109 SEXUAL HARASSMENT

1.0 Policy statement

1. The Charter of the United Nations sets high standards for the Organization and promotes the observance of these standards throughout the world. The United Nations places no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. The United Nations has the duty to ensure that its staff is treated, and treats one another, with respect, dignity and due regard for personal privacy.

2. Any form of harassment, particularly sexual harassment in the workplace or in connection with the work, is contrary to the provisions of the Charter and to the policy of the Organization. Any form of harassment is a violation of the standards of conduct expected of every international civil servant. Staff members are advised that sexual harassment in any form constitutes unacceptable behaviour, will not be tolerated at Headquarters or in the country offices, and may lead to disciplinary action as stipulated in Chapter X of the Staff Rules and in section 21106 of this manual.

2.0 Definition

1. Sexual harassment is defined as "any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment." It is particularly serious when behaviour of this kind is engaged in by any official who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation, working conditions, or promotion) of the recipient of such attentions.

2. Sexual harassment can take many forms and may include, but is not limited to unwelcome sexual advances, the forcing of sexual attention, verbal or physical, on an unwilling person; or an attempt to punish the person who refuses to comply. Specific examples are: verbal harassment or abuse, subtle pressure for sexual activities, unnecessary touching, patting or pinching, leering at a person's body, constant brushing up against a person's body, demanding sexual favours accompanied by implied or overt threats concerning employment or advancement, physical assault including rape. It includes both unwelcome heterosexual and homosexual advances.

3. The main categories of sexual harassment are:

(a) Quid pro quo

This category includes submission to sexual advances, requests for sexual favours or other verbal or physical conduct made as a condition of employment; or submission or rejection of the unwelcome conduct used as a basis for an employment decision. These cases normally involve persons who have authority or power over a staff member's job status or working conditions.

(b) Hostile work environment

This category includes sexual conduct which interferes with work, or creates an intimidating, hostile or offensive work environment.

4. Behaviour or conduct of a sexual nature that is unwelcome by a staff member may constitute sexual harassment whether or not the alleged offender believes that such behaviour or conduct is unoffensive or otherwise appropriate. The staff member is encouraged to inform the offender that such behaviour or conduct is unwelcome. However, there may be instances where the work relationship of the two parties may make such direct confrontation difficult.

3.0 Responsibility of supervisors and management

Supervisors are fully expected to support both the letter and the spirit of this policy and the procedures on sexual harassment. Management will be held accountable for ensuring that the working environment is free of sexual harassment or other forms of harassment. Management should take immediate corrective action whenever they become aware of an incident which may constitute such unacceptable behaviour.

4.0 Gender awareness training

1. All staff members, especially those in management and supervisory roles, should develop a greater awareness of the issues surrounding sexual harassment in the workplace and a fuller appreciation of the pernicious effect that such unacceptable behaviour can have on the morale and productivity of staff members.

2. Gender awareness training is available to those staff members most likely to handle complaints in their working capacities at Headquarters or in the country offices, i.e., Ombudsman Panel, staff of the Office of Human Resources and members of the Grievance Panel on Sexual Harassment.

5.0 Procedures for dealing with sexual harassment

5.1 Dealing with perceived harassment

1. An individual who believes that he or she is being harassed is encouraged to immediately notify the alleged offender that this behaviour is unwelcome. It is recognized, however, that power or status disparities may make direct confrontation difficult. Thus, it is also advisable that the individual make a written record of the events, as soon as possible after the incident(s), noting date(s), place(s), a short description of what happened, date and form of notification to the alleged offender, names of witnesses and anyone to whom the incident(s) may have been mentioned.

2. Whether or not the alleged offender has been notified of the unwelcome behaviour, the individual may wish to discuss the matter with a friend or colleague, or with a member of management, as appropriate.

3. Staff members who are faced with situations which might constitute sexual harassment have the following options:

- Confidential guidance and counselling;
- Informal resolution of a complaint of sexual harassment through confidential mediation between the parties concerned; and
- Formal resolution of a complaint of sexual harassment through investigation and fact-finding conducted by a panel of three staff members trained in the sensitive and confidential handling of such complaints.

4. Information on confidential guidance and counselling is provided in subsection 5.2, below. Complete information on the procedures to follow for informal or formal resolution of a complaint of sexual harassment is provided in Chapter XI, section 21105.

5.2 Confidential guidance and counselling at Headquarters and country offices

Staff members at Headquarters or in the country offices may obtain, by telephone or in writing, informal guidance and counselling on a strictly confidential basis from the following groups:

- (a) Ombudsman Panel: A member of the Ombudsman Panel will explain the sexual harassment policy and procedures and suggest ways to deal with the situation.
- (b) Office of Human Resources: A staffing officer will explain the sexual harassment policy and procedures and suggest ways for the individual to deal with the situation.
- (c) Programme for Staff Assistance (PSA): For staff members serving at Headquarters, the Programme for Staff Assistance (PSA) provides short-term professional counselling on a strictly confidential basis. The staff in PSA will explain the sexual harassment policy and procedures and suggest ways for a staff member to deal with the situation. Staff members at Headquarters or staff members based in a country office who happen to be at Headquarters may contact the PSA directly by telephone to make an appointment.