

**REGULATIONS, RULES AND INSTRUCTIONS APPLICABLE TO  
TEMPORARY STAFF MEMBERS OF THE ORGANISATION**

**PREAMBLE**

- a) These Regulations set out the fundamental conditions of service, namely the duties and obligations as well as the basic rights of temporary staff members of the Organisation, as approved by the Council in accordance with Article 11.1 of the Convention on the Organisation for Economic Co-operation and Development.
- b) The means for implementing these Regulations shall be determined by Rules and Instructions of the Secretary-General, which will require approval by the Council in the cases specified in these Regulations.
- c) These Regulations replace the *Regulations, Rules and Instructions for Council Experts and Consultants*, as well as the *Regulations, Rules and Instructions applicable to Auxiliaries*, which are abrogated.
- d) These Regulations shall not be applicable to Council Experts, whose conditions of appointment shall be determined on a case-by-case basis by the Council.

**Instructions**

- I. 0/1** These Instructions set out the conditions of service not specified in the Regulations or Rules applicable to temporary staff members; they lay down certain rules for the application of the said Regulations and Rules, set out certain procedures for staff management, and specify certain aspects of staff policy that the Secretary-General has decided to follow.
- I. 0/2** For the purposes of the present text, any reference to “Regulations”, “Rules” or “Instructions” shall mean a reference to the Regulations, Rules and Instructions applicable to temporary staff members.
- I. 0/3** For the purposes of the present text, any reference to the “Regulations applicable to officials”, “Rules applicable to officials” or “Instructions applicable to officials” shall mean a reference to the Staff Regulations, Rules and Instructions applicable to officials of the Organisation.

## TITLE I

### SCOPE OF APPLICATION AND GENERAL PROVISIONS

#### REGULATION 1

**a) These Regulations shall be applicable to all persons employed by the Organisation whose letter of appointment states that they are temporary staff members of the Organisation. These Regulations shall not be applicable to any other category of persons employed by the Organisation, unless otherwise decided by the Council.**

**b) Subject to approval by the Council, the Secretary-General may adapt these Regulations to provide for the conditions of employment of temporary staff members serving elsewhere than at the headquarters of the Organisation.**

#### Instructions

- I. 1/1** The powers vested in the Secretary-General by the provisions of Article 11.1 of the Convention on the Organisation for Economic Co-operation and Development, or by the provisions of these Regulations, Rules and Instructions, may be exercised by a Deputy Secretary-General. In the exercise of such powers, the Deputy Secretary-General shall be deemed to act on behalf of the Secretary-General. In the absence or impediment of the Secretary-General, his powers may be exercised by a Deputy Secretary-General.
- I. 1/2** In the absence or impediment of one or more of the Deputy Secretaries-General or of another official to whom functions are conferred by these Instructions, the Secretary-General may designate another official to carry out these functions.
- I. 1/3** An official on whom powers are conferred by these Instructions with respect to specific matters shall be deemed to act, in the exercise of such powers, on behalf of the Secretary-General.
- I. 1/4** The Executive Director may ask the Head of Human Resource Management to carry out certain duties conferred on the said Director by these Instructions.
- I. 1/5** In the absence or impediment of the Head of Human Resource Management, the functions conferred on him by these Instructions shall be exercised by the official in his Service whom he has designated for this purpose.
- I. 1/6** A director on whom powers or functions are conferred by these Instructions may delegate part or all of these powers or functions to the official he shall designate for this purpose. In the absence or impediment of the director, the powers and functions conferred on him by these Instructions shall be carried out by his deputy or the official he has designated for this purpose.
- I. 1/7** In cases where an administrative structure is not headed by a director, the powers and functions conferred on a director by these Instructions shall be carried out by the head of that structure.

- I. 1/8** Except where otherwise specified, the Head of Human Resource Management shall be responsible for implementing these Regulations, Rules and Instructions. Any requests or complaints concerning the application or interpretation of these Regulations must be addressed to him.
- I. 1/9** In these Regulations, Rules and Instructions, references to “temporary staff members” shall apply equally to men and women except when it is clear from the context that they are intended to apply only to men or only to women.

## **TITLE II**

### **BASIC PRINCIPLES, RIGHTS AND DUTIES**

#### **REGULATION 2**

- a) Temporary staff members are subject to the authority of the Secretary-General and are responsible to him for the discharge of their duties.**
- b) Temporary staff members must regulate their conduct in accordance with the basic principles, rights and duties mentioned in Regulations 2 to 5 applicable to officials.**

### **REGULATION 3**

- a) Temporary staff members shall be entitled to the Organisation's protection in the performance of their duties.**
- b) Temporary staff members shall enjoy certain privileges, immunities and facilities which are granted in the interests of the Organisation and not for the personal benefit of the individuals concerned. Regulation 5 bis applicable to officials and its related instructions shall be applicable to temporary staff members, except with regard to provisions relating to tax privileges. In this respect, temporary staff members shall not be entitled to exemption from tax on the remuneration paid to them by the Organisation.**
- c) The privileges and immunities enjoyed by temporary staff members shall not excuse them from the performance of their private obligations nor from strict observance of law.**

**TITLE III**  
**RECRUITMENT, APPOINTMENT AND TERMINATION**

**RECRUITMENT**

**REGULATION 4**

- a) In recruiting temporary staff members the Secretary-General shall give primary consideration to the necessity to obtain staff of the highest standards of competence and integrity.**
- b) Temporary staff members are required to be medically fit for the performance of the functions assigned to them.**

**Instructions**

GENERAL

- I. 4/1** All functions for which the Organisation recruits temporary staff members shall be open equally to men and women.
- I. 4/2** In these Regulations, the term “close family member” shall mean the spouse or co-habitee of the temporary staff member and any person having the following kinship with the temporary staff member: ascendant, descendant, brother, sister, uncle, aunt, first cousin, nephew, niece and in-law.

RECRUITMENT

- I. 4/3** The recruitment of a temporary staff member shall not require publication of a vacancy notice. However, in cases where such a notice is published, it shall specify the nature of the functions, the conditions to be met by candidates, the documents to be provided and the deadline for submitting applications.
- I. 4/4** In compliance with Regulation 4 a), the hiring Director, in agreement with the Head of Human Resource Management, shall decide on the recruitment procedure they intend to follow.
- I. 4/5** All applications must be submitted to Human Resource Management Service.
- I. 4/6** Before any offer of appointment is made to a selected candidate, the professional references shall be checked by the hiring Directorate or Service.
- I. 4/7** The decision to offer an appointment to a candidate shall be taken by the hiring Director, in agreement with the Head of Human Resource Management.

## EXCEPTIONS

- I. 4/8** Unless recruited as an official in accordance with the procedures set out in the Regulations, Rules and Instructions applicable to officials, a former temporary staff member whose fixed-term appointment has expired after a continuous period of service of at least twenty-four months may not be employed by the Organisation, in any capacity, during a period of six months starting from the date of expiry of such appointment.
  
- I. 4/9** No person may be appointed or reassigned to functions within the Organisation in which he would have authority over, or be under the authority of, a close family member, as defined in Instruction 4/2.

## APPOINTMENT

### REGULATION 5

**Temporary staff members shall be appointed by the Secretary-General.**

#### Instructions

- I. 5/1** Prior to his appointment as a temporary staff member, the selected candidate must undergo a medical examination on the basis of which the Medical Officer of the Organisation shall determine whether such candidate satisfies the standards of medical fitness required for the exercise of the functions he will be called upon to perform.
- I. 5/2** Unless otherwise specified in the offer of appointment, temporary staff members shall be appointed to work on a full-time basis.
- I. 5/3** The powers vested in the Secretary-General under Regulation 5 may be exercised by the Executive Director or the Head of Human Resource Management.
- I. 5/4** The offer of appointment shall be sent to the selected candidate by the Secretary-General, the Executive Director or the Head of Human Resource Management.
- I. 5/5** The offer of appointment shall specify in particular to the selected candidate:
- a) that the appointment is subject to these Regulations, Rules and Instructions, including amendments which may be made to these Regulations, Rules and Instructions;
  - b) the specific conditions of employment;
  - c) the functions that he will be called upon to perform;
  - d) the duration of his appointment and the date by which he is to take up functions;
  - e) that the appointment shall expire without notice on the date specified in the offer of appointment;
  - f) the gross salary at the time of the appointment.
- I. 5/6** Notification of the acceptance of the offer must be given within eight calendar days of receipt of such offer. The offer of appointment and the acceptance of such offer shall form the letter of appointment. Failing notification of the acceptance of the offer of appointment within this period, the offer shall be deemed null and void.
- I. 5/7** If, after accepting the offer of appointment, the temporary staff member is found not to be medically fit, by the Medical Officer, to perform the functions assigned to him, or fails to take up functions by the date specified in the offer of appointment, the appointment shall be deemed null and void.



## DURATION OF APPOINTMENT

### REGULATION 6

- a) Temporary staff members shall be appointed for a fixed term, which shall not exceed a continuous period of twenty-four months.
- b) Subject to approval by the Council, the Secretary-General may appoint temporary staff members for a fixed term of more than twenty-four months<sup>1</sup>.

#### Instructions

- I.6/1** Subject to the provisions of Regulation 6, the Head of Human Resource Management may decide to renew the appointment of a temporary staff member, on the recommendation of the Director concerned.
- I.6/2** The renewal of the appointment of a temporary staff member shall not entitle him to either another renewal of his appointment or to the conversion of his appointment into another type of appointment.
- I.6/3** The appointment shall expire, without notice, on the date specified in the letter of appointment.
- I.6/4** An appointment as temporary staff member may not be an open-ended appointment.

<sup>1</sup> By decision of the Council, the Secretary-General has been authorised to renew the fixed-term appointment of temporary staff members, once or several times, beyond twenty-four months:

- in the following programmes and services:
  - the International Energy Agency (IEA) [Article 7 c) of the Council Decision of 15 November 1974, documents C(74)203(Final) and C/M(74)27(Final)];
  - the Sahel and West Africa Club [Council meeting of 27 November 2002, document [C/M\(2002\)23](#), Annex 1 to document [C\(2002\)239](#) and Memorandum of Understanding of 10 January 2003];
  - the Support Unit of the Africa Partnership Forum (APF) [Council meeting of 15 December 2005, Annex 1 to document [C\(2005\)156/REV1](#), document [C/M\(2005\)25](#) and Memorandum of Understanding of 27 April 2006]; or
- where they are nationals of key partners of the Organisation [[C/MIN\(2007\)4/FINAL](#), [C/MIN\(2011\)7](#), [C/MIN\(2011\)6/FINAL](#), [C/MIN\(2012\)8](#)] or candidate countries with which the Council decided to open discussions in view of their accession, provided that they are assigned to specific functions where their expertise is a valuable asset and that the total duration of service under such fixed-term appointment does not exceed sixty months; or
- where they are nationals of non-Member countries which are members of the Development Centre, provided that they are assigned to specific functions within the Development Centre, where their expertise is a valuable asset, and the total duration of service under such fixed-term appointment does not exceed sixty months.

## TERMINATION OF APPOINTMENT

### REGULATION 7

**a) The Secretary-General may terminate the appointment of a temporary staff member by:**

**i) giving notice of:**

- **8 calendar days, if the temporary staff member has remained in service for the Organisation for a continuous period of no more than one month;**
- **15 calendar days, if he has remained in service for the Organisation for a continuous period of more than one month and less than or equal to six months;**
- **30 calendar days, if he has remained in service for the Organisation for a continuous period of more than six months;**

**and by**

**ii) paying an indemnity equal to the net salary corresponding to the notice period mentioned in paragraph a) i) above.**

**b) If a temporary staff member is on sick leave at the time of the notification of the termination of his appointment, the period of notice specified in paragraph a) i) shall be increased by the number of days during which such staff member is actually on sick-leave for the same illness after notification of the termination of his appointment, but not beyond the date on which the said appointment is due to expire.**

**c) Instead of giving the notice specified in paragraph a) i), the Secretary-General may pay a temporary staff member whose appointment is terminated the net salary due for the period of notice.**

## RESIGNATION

### REGULATION 8

**a) A temporary staff member may resign by giving the Secretary-General notice of:**

- **8 calendar days, if the temporary staff member has remained in service for the Organisation for a continuous period of no more than one month;**
- **15 calendar days, if he has remained in service for the Organisation for a continuous period of more than one month and less than or equal to six months;**
- **30 calendar days, if he has remained in service for the Organisation for a continuous period of more than six months.**

**b) At the request of the temporary staff member, the Secretary-General may accept a shorter period of notice than that specified in paragraph a) above, or no notice period at all.**

#### **Instruction**

**I. 8/1** The temporary staff member shall notify his resignation in writing to the Head of Human Resource Management.

**TITLE IV**  
**FINANCIAL CONDITIONS**  
**SALARIES**

**REGULATION 9**

a) **The Secretary-General shall determine the salary applicable to temporary staff members by taking account of the supply and demand on the labour market. The net salary of temporary staff members may not be less than the amount of the minimum salary in force in the duty country or, failing such a reference, than the minimum salary according to local usage, and may not exceed the net salary that would be paid to an official in a comparable situation.**

b) **Unless otherwise specified in the letter of appointment, the salaries of temporary staff members shall be calculated and payable in euros.**

c) **Temporary staff members shall be entitled to have the Organisation transfer 50% of their salaries, in euros or in the currency of the country in which they perform their duties, to:**

- **the country of which they are nationals; or**
- **the country in which they reside.**

**The conditions of this transfer shall be set out by the Secretary-General.**

**Instructions**

**I. 9/1** For the purposes of these Regulations, Rules and Instructions, the following terms shall be understood as follows:

- **Salary:** remuneration paid by the Organisation to temporary staff members in return for the performance of their duties;
- **Gross salary:** salary before the deduction of mandatory contributions payable by temporary staff members;
- **Net salary:** salary after the deduction of mandatory contributions payable by temporary staff members.

**I. 9/2** The salaries of temporary staff members shall be determined, as appropriate, on a daily or monthly basis.

- I. 9/3** a) Temporary staff members who have worked less than 16 days in a given calendar month shall be paid one thirtieth of their monthly salary for each day worked;
- b) Temporary staff members who have worked more than 15 days in a calendar month shall receive their monthly salary less one thirtieth for each day not worked;
- c) All Saturdays, Sundays and public holidays observed by the Organisation shall be considered to be days worked;
- d) In the event of the death of a serving temporary staff member, his salary shall be maintained until the end of the calendar month in progress.
- I. 9/4** The transfer of salaries to temporary staff members shall be made at the official rate of exchange in force in Paris on the date of the transfer.
- I. 9/5** The entitlement of temporary staff members to have their salaries transferred in the currency of a non-Member country shall be subject to the provisions of currency regulations insofar as the latter is applicable to the Organisation.

## MEDICAL AND SOCIAL BENEFITS

### REGULATION 10

- a) Temporary staff members assigned to the Organisation's headquarters shall be subject to all French Social Security legislation and shall be affiliated to its general scheme, including for the consequences of work accident and occupational disease.
- b) Temporary staff members appointed for a period of one month or more, as well as their dependents according to French Social Security legislation, shall be entitled to the same complementary health care benefits provided for officials affiliated to the French Social Security, as set out in the Regulations, Rules and Instructions applicable to officials<sup>2</sup>.
- c) When they are assigned outside the Organisation's headquarters and are not subject to French Social Security legislation, temporary staff members shall be affiliated to a medical and social system determined and recognised as being satisfactory by the Secretary General.
- d) The contributions which employees are liable to pay under the medical and social system applicable to them shall be deducted from their gross salary.

### Instructions

- I. 10/1 For the purposes of the *Agreement between the Government of the French Republic and the Organisation for Economic Co-operation and Development on the Social Protection of Members of the Staff employed by that Organisation in France* and the *Administrative Arrangement* for its implementation dated 24 September 1991, temporary staff members shall be deemed to be auxiliaries if their salaries are determined on a monthly basis and shall be deemed to be salaried consultants if their salaries are determined on a daily basis.
- I. 10/2 Temporary staff members assigned in France shall be subject to the French Social Security legislation in respect of cover for sickness, maternity, paternity, invalidity and death, work accidents and occupational diseases, old age insurance, and family allowances.

### COMPLEMENTARY SICKNESS OR MATERNITY BENEFITS

- I. 10/3 a) Temporary staff members serving in France and meeting the conditions of Regulation 10 shall be entitled, for themselves or their dependents within the meaning of French Social Security legislation (thereafter "the dependent" or the "dependents"), to reimbursement of the difference between 92.5 % or 100 %, depending on the rate applicable under the tables in Article 11 of Annex XIV of the Regulations applicable to officials, of the costs actually incurred and the benefits due under the sickness or maternity insurance of the French General

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<sup>2</sup> On the date of entry into force of these Regulations, these benefits are set out in Rule 17/1.18 applicable to officials and its corresponding Instructions.

Social Security Scheme within the limits and according to the procedures laid down in Instructions 10/8 and following and in the above-mentioned tables.

- b) Temporary staff members hired on a part-time basis to work less than 50 % of full-time, shall not be entitled to complementary benefits payable under Regulation 10.
- c) The benefits referred to in Regulation 10 shall only be payable in respect of health care which gives entitlement to reimbursement under French Social Security legislation.

**I. 10/4** The rate of reimbursement applicable under Instruction 10/3 a) shall be 100 % in the following cases:

- a) where sickness and maternity insurance under the French General Social Security Scheme provides 100 % cover for expenditure on the same type of goods or services, except for hospitalisation in a private establishment;
- b) where the beneficiary is recognised as handicapped in accordance with the French Social Security legislation, for health care directly related to the handicap.

**I. 10/5** a) Reimbursement over and above the benefits received under French Social Security for health care expenses incurred outside France is payable in the following cases only:

- i) costs incurred for a dependent of the temporary staff member, in the country of the dependent's residence; or,
- ii) sudden illness or medically attested emergency; or,
- iii) for medical or family reasons after the prior agreement of the doctor designated by the Organisation.

b) The applicable ceilings and conditions of reimbursement shall be those set out in the tables in Regulation 11 of Annex XIV of the Regulations applicable to officials.

**I. 10/6** Exceptional health care expenses may be reimbursed in the case of exceptional forms of treatment or long-term sickness for which the applicable limits and ceilings set out in the tables in Regulation 11 of Annex XIV of the Regulations applicable to officials are held to be inadequate by the Secretary-General after obtaining the opinion of the doctor designated by the Organisation.

#### **BENEFITS IN THE EVENT OF WORK ACCIDENT OR OCCUPATIONAL DISEASE**

**I. 10/7** A temporary staff member who is the victim of a work accident or who contracts an occupational disease recognised as such by the competent French Social Security body and attributable to the performance of his duties with the Organisation shall be entitled:

- a) for health care expenses resulting from the accident or disease, to reimbursement, without any ceiling, of the difference between the expenses actually incurred and the benefits payable under French Social Security legislation;
- b) in the case of total temporary incapacity as a result of the work accident or occupational disease, to maintenance of his net salary, less any cash benefits paid by the French Social Security bodies, until termination of his appointment.

## GENERAL CONDITIONS RELATING TO COVER FOR HEALTH CARE EXPENSES

- I. 10/8** If health care expenses for the temporary staff member's dependents are borne by another scheme complementary to the French Social Security scheme, benefits received thereunder must be declared to the Organisation and shall be deducted from benefits due in accordance with these Instructions, unless the said scheme is itself complementary to the benefits paid by the Organisation.
- I. 10/9** Any request for complementary reimbursement of health care expenses not subject to any ceiling per item of treatment shall be the subject of special scrutiny where the expenses involved appear manifestly excessive having regard to the charges habitually made for the same type of treatment in the country where it is given. Following such scrutiny, complementary reimbursement may be limited, provided the temporary staff member is given advance notice thereof and is informed of the reasons for such limitation. In the case of treatment subject to prior approval, any possible limitation of cover shall be specified at the time approval is issued.
- I. 10/10**
- a) In cases where, in the course of a calendar year, the share of health care expenses borne by the person affiliated in application of the rate of cover of 92.5 % exceeds 20 % of the average monthly basis of assessment of contributions in the calendar year, the difference shall be fully reimbursed to the person affiliated upon request.
  - b) In cases where affiliation is for a period shorter than the calendar year, the average monthly basis of assessment of contributions shall be calculated in proportion to the period of affiliation.
  - c) In the first quarter following the calendar year in question, the person affiliated who submits a request shall be notified by the manager designated by the Secretary-General (hereafter the manager) of the share of health care expenses borne by him in application of the rate of cover of 92.5 %. The persons affiliated shall, on request, also be informed by the Head of Human Resource Management of the amount of the 20 % of the average monthly basis of assessment of contributions.
  - d) Requests for reimbursement must be sent to the manager, together with the documents referred to in the preceding paragraph, before 30 June of the following calendar year.
- I. 10/11** Requests for complementary reimbursement of health expenses shall be sent to the manager, together with the original of the statement of benefits paid as a result of the affiliation with the French Social Security and, where appropriate, from any other complementary scheme, unless it is itself complementary to the benefits paid by the Organisation.
- I. 10/12** The decisions taken by the manager in the performance of his duties shall be made by delegation from the Secretary-General and may be contested in accordance with these Regulations, Rules and Instructions.



## **MAINTENANCE OF SALARY IN CASE OF SICKNESS**

- I. 10/13** a) Temporary staff members serving in France who meet the conditions set out in Regulation 10 shall be entitled, as a complementary benefit, to maintenance of their salary throughout any period of sick leave granted in the conditions set out in Regulation 13.
- b) The Organisation shall be automatically subrogated to the entitlement of temporary staff members with regard to the daily allowances paid by the French Social Security bodies, which are due to them in the event of temporary total incapacity.
- c) The daily allowances of the French Social Security shall be paid to temporary staff members when they relate to a period during which no salary was paid.
- d) The payment of salary shall be subject to compliance with the conditions laid down in the Instructions to Regulation 13. Salary shall cease to be due on termination of the appointment.

## **CESSATION OF ENTITLEMENT AND EXCLUSIONS**

- I. 10/14** Entitlement to the benefits referred to in Regulation 10 b) shall cease on the day the appointment of the temporary staff member ends.
- I. 10/15** The exclusions to the payment of the medical and social benefits mentioned in Instructions 117/1.5.5 to 117/1.5.8 applicable to officials shall apply to temporary staff members.

## **CLAIMS AND FRAUD**

- I. 10/16** Claims by temporary staff members against the Organisation in respect of the benefits referred to in Regulation 10 b) shall be prescribed in accordance with Rules 17/8 to 17/8.5 applicable to officials.
- I. 10/17** The temporary staff member shall reimburse all sums unduly received. In the event of fraud, gross negligence or lack of good faith, they shall be liable to disciplinary action.

## **MISCELLANEOUS PROVISIONS**

- I. 10/18** The temporary staff member shall notify the Head of Human Resource Management of any accident to himself or one of his dependents, irrespective of whether or not this accident was caused by a third party. He shall provide, where appropriate, all information needed to identify the persons involved and their insurers and regarding the circumstances of the accident, so as to enable the Organisation to exercise its rights vis-à-vis any third party who may be liable.
- I. 10/19** Under no circumstances may the sum of payments made by the Organisation in accordance with Instruction 10/13 and payments by the French Social Security bodies exceed the net salary of the temporary staff member.

- I. 10/20** Temporary staff members shall not be affiliated by the Organisation to any unemployment insurance scheme. However, subject to the provisions of French legislation, temporary staff members serving in France may ask to be voluntarily affiliated to the French unemployment insurance scheme within 12 months of their appointment.
- I. 10/21** The provisions relating to the Supervisory Board, set out in the Regulations, Rules and Instructions applicable to officials, shall be applicable in the framework of these Regulations.

## DEATH OR INVALIDITY BENEFITS

### REGULATION 11

- a) In the event of death or total permanent disability of a temporary staff member as a result of an accident which occurs during the term of his appointment, the temporary staff member concerned or the claimant to his rights shall be entitled to receive a capital sum which amount shall be set out in an Instruction of the Secretary-General.
- b) In the event of partial permanent disability of a temporary staff member as a result of a work accident or occupational disease recognised as such by the competent French Social Security bodies and in relation to the exercise of his functions for the Organisation, the temporary staff member concerned or the claimant to his rights shall be entitled to a capital sum which amount shall be set out in an Instruction of the Secretary-General.
- c) The Secretary-General shall make specific arrangements with regard to temporary staff members assigned outside the Organisation's headquarters and who are not subject to French Social Security legislation in order to allow them to receive a capital sum in the event of partial permanent invalidity.

#### Instructions

- I. 11/1** The capital sum payable under Regulation 11 a) and b) shall be equal to the annual ceiling laid down in French Social Security legislation for the calculation of the sickness cash benefits.
- I. 11/2**
- a) The invalidity referred to in Regulation 11 shall be certified by the competent French Social Security bodies or, where appropriate, by insurance bodies;
  - b) The total permanent invalidity referred to in Regulation 11 a) shall be understood as category II invalidity within the meaning of French Social Security legislation;
  - c) In the event of partial permanent invalidity as specified in Regulation 11 b), the temporary staff member shall be entitled to a capital sum equal to the proportion of the capital sum to which he would be entitled in the event of total permanent invalidity and corresponding to the degree of invalidity recognised in accordance with French Social Security legislation.
- I. 11/3**
- a) The capital sum payable under Regulation 11 a) in the event of the death of a temporary staff member shall be paid to the persons designated by the temporary staff member, otherwise to the spouse, otherwise to the dependents of the temporary staff member concerned, within the meaning of French Social Security legislation, otherwise to the persons designated by the Secretary-General;
  - b) The amount of this capital sum shall be equal to the sum payable under Instruction 11/1, unless this capital has already been in all or in part paid in relation to a total or partial invalidity referred to in Regulation 11.

## **SUBROGATION**

- I. 11/4** a) Where the invalidity or death of a temporary staff member is attributable to a third party, the claims and rights of action of the temporary staff member or the claimants to his rights against the third party shall vest in the Organisation within the limits of its obligations under these Regulations, Rules and Instructions. However, the Organisation may decide not to exercise its right to take action pursuant to such subrogation against the third party concerned where special circumstances so justify.
- b) The Organisation shall be subrogated in the rights and actions of the temporary staff member against a third party who might be responsible, up to the amount of the benefits paid, except in case of capital benefits which can be paid concurrently with similar compensation paid by third parties.

## MISSIONS

### REGULATION 12

**Temporary staff members travelling on mission for the Organisation shall be entitled to the reimbursement of the expenses incurred in fulfilling their mission, in accordance with the Regulations, Rules and Instructions applicable to officials<sup>3</sup>.**

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<sup>3</sup> On the date of entry into force of these Regulations, these provisions are set out in Rules 17/3.8 to 17/3.21 applicable to officials and their corresponding Instructions.

**TITLE V**  
**GENERAL CONDITIONS**

**WORKING CONDITIONS**

**REGULATION 13**

- a) **The normal hours of work of temporary staff members shall be determined by the Secretary-General, who shall also decide on what conditions temporary staff members may be employed part time.**
- b) **When a temporary staff member is required to work overtime, he shall be entitled to compensation within the limits and according to the conditions set out in Instructions of the Secretary-General.**
- c) **The Secretary-General may, as their normal working hours, require temporary staff member, to do night-work. A temporary staff member doing night-work shall be entitled to an allowance.**
- d) **The public holidays to which a temporary staff member shall be entitled shall be determined in accordance with local usages.**
- e) **For each month of service completed, a temporary staff member working full time shall be entitled to:**
- i) paid annual leave at the rate of two and a half working days;**
  - ii) paid sick leave of two days, on producing a medical certificate recognised by the Secretary-General.**
- f) **The Secretary-General shall provide for paid maternity and paternity leave for temporary staff members, in accordance with French law, irrespective of the duty country.**
- g) **Temporary staff members working part time shall be entitled to annual leave and to sickness, maternity and paternity leave at the rates applicable to temporary staff members working full-time, but calculated on the basis of the ratio of the part-time working hours to the normal working hours.**

- h) The Secretary-General may, at his discretion, grant exceptional paid leave to temporary staff members, up to a maximum of eight days a year.**
- i) The Secretary-General may, at his discretion, grant unpaid leave to temporary staff members:**
- i) for urgent or private reasons, up to a maximum of eight days a year;**
  - ii) for military service in the armed forces of a Member country, up to a maximum of fifteen days a year;**
  - iii) for short-term training, up to a maximum of two months a year.**
- j) Any temporary staff member who has not taken all the leave to which he is entitled by the time his appointment ends shall be paid the net salary corresponding to the untaken leave. Any temporary staff member who has taken leave in advance in excess of the leave to which he is entitled to at the time his appointment ends shall pay back to the Organisation the share of his salary which was paid during the corresponding period.**

#### **Instructions**

- I. 13/1** The normal working week shall be of 40 hours, and normal working hours shall be 8 hours a day from Mondays to Fridays; working day normally beginning at 9 a.m.
- I. 13/2**
- a) The Secretary-General, depending on the requirements of the service, may transform the appointment of a temporary staff member from full-time basis to part-time basis, at the initiative of the temporary staff member or upon his agreement.
  - b) The working hours of a temporary staff member working part-time shall be between 10 % and 90 % of the normal working hours.
  - c) A temporary staff member working part-time shall receive a salary corresponding to the ratio of hours worked.
- I. 13/3** Hours worked for the requirements of service in excess of normal working hours, or on a Saturday, Sunday or public holiday, shall be considered as overtime provided that authorisation has been given beforehand by the Director concerned. Such authorisation shall not be given for more than 30 hours a month.
- I.13/4** Directors shall authorise overtime to be performed only where this is necessary for the work of their Directorate.
- I. 13/5** Overtime worked by temporary staff members whose salary is more than twice the minimum salary in force in the duty country, shall entitle them to a compensatory leave in the conditions set out in Rule 20/1.3.1 applicable to officials.
- I. 13/6** Overtime worked by temporary staff members whose salary is less than or equal to twice the minimum salary in force in the duty country, shall entitle them to a compensatory leave in the conditions set out in Rule 20/1.3.2 applicable to officials. When, owing to the exigencies of the service, compensation cannot be granted in full in the form of compensatory leave to temporary

staff members, they shall be entitled to a compensatory payment in the conditions set out in Rule 20/1.3.2 applicable to officials.

- I. 13/7** a) Any time work as normal working hours between 8 p.m. and 7 a.m. shall be deemed to be night work.
- b) Unless otherwise stipulated in the letter of appointment, any night work performed by a temporary staff member shall entitle him to an allowance equal to 25% of his hourly gross salary.
- I. 13/8** The public holidays to be observed by the Organisation shall be announced by means of an office circular. Where the needs of the Organisation require that a temporary staff member work on a public holiday observed by the Organisation, another day shall be fixed on which the temporary staff member will not work as though it were a public holiday. Special provisions shall be made for temporary staff members performing their duties outside France.
- I. 13/9** The Regulations, Rules and Instructions applicable to officials with regard to annual leave, sick leave, exceptional paid leave and unpaid leave shall apply *mutatis mutandis* to temporary staff members<sup>4</sup>.

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<sup>4</sup> On the date of entry into force of these Regulations, these provisions are set out in Regulations 20 e), 20 g), 20 h), 20 j), 20 k) and 20 l) applicable to officials and their corresponding Instructions.



## **DISCIPLINE**

### **REGULATION 14**

**Regulation 21 applicable to officials with regard to discipline, and its corresponding Rules and Instructions, shall be applicable *mutatis mutandis* to temporary staff members.**

## DISPUTES

### REGULATION 15

Regulation 22 applicable to officials with regard to disputes, and its corresponding Rules and Instructions, shall be applicable *mutatis mutandis* to temporary staff members.

## REPRESENTATION OF THE STAFF

### REGULATION 16

**Regulation 23 applicable to officials with regard to the representation of staff, and its corresponding Rules and Instructions, shall be applicable *mutatis mutandis* to temporary staff members.**

## FINAL PROVISIONS

### REGULATION 17

- a) **These Regulations shall be applicable to salaried consultants and auxiliaries in service on the date on which these Regulations enter into force.**
- b) **The periods of service as salaried consultant or auxiliary before these Regulations enter into force shall be considered as periods of service as temporary staff member.**
- c) **The fixed-term appointment of a consultant or auxiliary which is ongoing on the date on which these Regulations enter into force shall not be renewed if the individual has remained in service for the Organisation for a continuous period exceeding or equal to twenty-four months<sup>5</sup>. Such appointment shall therefore end on its foreseen date of expiry.**

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<sup>5</sup> Subject to the decisions of the Council authorising the appointment of consultants or auxiliaries for a period exceeding twenty-four months.

## ANNEXES

**The following Annexes to the Regulations applicable to officials shall be applicable *mutatis mutandis* to temporary staff members and form an integral part of the present Regulations:**

ANNEX III – RESOLUTION OF THE COUNCIL ON THE STATUTE AND OPERATION OF THE ADMINISTRATIVE TRIBUNAL

ANNEX IV – TERMS OF REFERENCE OF THE HEALTH, SAFETY AND WORKING CONDITIONS SUB-COMMITTEE (HSWCSC)

ANNEX XII – DECISION OF THE SECRETARY-GENERAL ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF THEIR PERSONAL DATA

ANNEX XIV – COVER FOR HEALTH CARE EXPENSES UNDER REGULATION 17a) OF THE RULES APPLICABLE TO OFFICIALS – AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT ON THE SOCIAL PROTECTION OF MEMBERS OF THE STAFF EMPLOYED BY THAT ORGANISATION IN FRANCE AND ADMINISTRATIVE ARRANGEMENTS MADE FOR THE IMPLEMENTATION OF THE SAID AGREEMENT

ANNEX XV – CONTRIBUTION RATES APPLICABLE TO AFFILIATES TO THE MEDICAL AND SOCIAL SYSTEM

ANNEX XVI – DECISION OF THE SECRETARY-GENERAL ON MEDIATORS

ANNEX XX – DECISION OF THE SECRETARY-GENERAL CONCERNING THE POLICY TO PREVENT AND COMBAT HARASSMENT

ANNEX XXII – DECISION OF THE SECRETARY-GENERAL CONCERNING INTELLECTUAL PROPERTY RIGHTS

ANNEX XXIV – TELEWORKING

ANNEX XXV – DECISION OF THE SECRETARY-GENERAL CONCERNING THE INVESTIGATION PROCEDURE WITHIN THE ORGANISATION