

D R A F T

EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

STAFF REGULATIONS

Part 1

Duties and Obligations

Article 1

- (1) The staff of the Organization shall be under the authority of the Director-General and responsible to him.
- (2) In the discharge of their responsibilities as members of the staff they shall not seek or receive instructions from any government or from any authority external to the Organization.

Article 2

On taking up their duties, ~~all~~ members of the staff must make and sign the following declaration:

"I solemnly declare that I will carry out the duties entrusted to me as a member of the staff of the European Organization for Nuclear Research loyally and conscientiously, respecting the confidence placed in me. In discharging these duties and in my official conduct I will have regard exclusively to the interests of the Organization. I will refrain from any action which might reflect upon my position as a member of the staff of the Organization".

Article 3

- (1) No full-time member of the staff may concurrently receive remuneration in respect of a salaried post under any authority external to the Organization.
- (2) No member of the staff may have any occupation incompatible with his duties. No full-time member of the staff may engage in any business or professional activity without permission of the Director-General.

(3) Every member of the staff of the Organization must refrain from any act and in particular any public political declaration or activity and from publishing anything incompatible with his duties and obligations towards the Organization, or which would be prejudicial, morally or materially, to it.

(4) All official communications to the public relating to the work of the Organization shall require the prior approval of the Director-General.

Article 4

All rights including title, copyright and patent rights arising in the course of the official duties of members of the staff shall be vested in the Organization.

The Organization reserves the right to make ex-gratia awards to staff members for inventions of commercial value.

Article 5

Members of the staff of the Organization shall enjoy the privileges and immunities defined in any applicable agreements relating to this matter which may be entered into between the Organization and Member States under the provisions of Article IX of the Convention establishing the Organization.

PART II

Appointments - Hours of Work

Article 6

The appointments of all staff shall be made, and may be terminated, by the Council on the recommendation of the Director-General. The Council may delegate to the Director-General the power to make, or terminate, appointments to specified posts, or posts in specified grades.

Article 7

(1) In recruiting staff the Council shall regard as of first importance the recruitment of persons of the highest ability and integrity.

(2) Subject to the foregoing principle the system of appointments shall provide so far as possible for a wide distribution of posts among the nationals of Member States.

(3) The Director-General shall give Member States adequate notice of all vacancies for staff other than locally-recruited staff so that they can give the requirements suitable national publicity. When the Director-General considers it to be necessary, he may, in addition, take direct action to obtain specialist staff.

(4) The Director-General may recruit ancillary and junior technical and administrative staff from any persons available locally at the seat of the Organization.

Article 8

(1) For staff appointed to the posts of Deputy Director-General, members of the Directorate, Directors of Divisions or equivalent posts, and for higher administrative staff, appointments shall be on a full-time basis, provided that, exceptionally, the Council may, in specific cases, decide that the rule shall be relaxed.

(2) Where appointments on a part-time basis are unavoidable in order to secure suitable staff, they shall be subject to the following conditions:-

- (i) the contract shall be limited to a period of not more than 12 months at any one time;
- (ii) at least 60% of the officer's time shall be devoted to his duties for the Organization;
- (iii) the practical arrangements shall be such that the part-time basis does not involve substantial additional expense to the Organization;
- (iv) the conditions shall be clearly defined in the contract.

(3) For administrative and clerical posts the basis of appointment shall be full-time service only.

(4) In particular cases when circumstances require, the Council may waive the application of these conditions. The conditions may also be waived by the Director-General in cases where the Council has delegated its powers to him.

Article 9

On appointment to the staff, candidates may be required to undergo medical examination by a doctor approved by the Director-General, to ensure that they possess the degree of physical fitness necessary for their posts.

Article 10

The appointment of each member of the staff shall be governed by a contract to be entered into between him and the Organization, the terms of which shall specify any special conditions of employment relating to that particular appointment.

Article 11

The Director-General shall fix the hours of work.

PART III

Salaries - Allowances - Leave

Article 12

The salaries applicable to the various posts on the staff shall be determined from time to time by the Council. For this purpose the Director-General shall draw up a scale of salaries which shall be submitted to the Council through the Finance Committee for approval. Decisions of the Council amending the staff complement or the salaries for the various posts shall be binding on all members of the staff, and no member of the staff shall have any financial claim against the Organization in respect of any prejudice which he has suffered as a result of any such amendments except as provided for in Article 19.

Article 13

The Director-General may recommend to the Finance Committee the making of special allowances to members of the staff performing duties of special responsibility beyond that normal for their rank.

Article 14

Provisions shall be made for the payment of family allowances, where appropriate, at rates to be approved by the Finance Committee.

Article 15

Members of the staff travelling in the course of their duties shall receive from the Organization travelling and subsistence allowances at rates to be determined by the Director-General with the approval of the Finance Committee.

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Article 16

(1) Members of the staff appointed for not less than one year shall (a) on first appointment, (b) on being required in the course of their duties to take up residence at a different place, and (c) at the end of their contract, receive allowances for travelling and expenses of removal. The allowances shall cover the cost of travelling and removal by the shortest route in cases (a) and (c) between their home station and the place of the performance of their official duties, and in case (b) between the place where they have been resident and the place where they are required to reside. They shall also include the travelling expenses of their spouses and minor unmarried children. In addition, an installation allowance shall be paid, where necessary, in cases (a) and (b).

(2) Where, however, an appointment is terminated by the voluntary resignation of the member of the staff before the completion of one year of service, or for misconduct, the Director-General may make forfeit the whole or part of the allowances otherwise payable under (c).

(3) The home station of each member of the staff shall be defined by the Director-General and shall be specified in the letter of appointment.

Article 17

Members of the staff shall be entitled to annual leave.

Article 18

(1) The Director-General shall take steps to ensure that every member of the staff is adequately assured against the risks of injury suffered in the course of his duties and illness contracted during the period of his employment. In the event of his or her death in such circumstances, compensation shall be paid to his or her spouse or minor unmarried children or failing them, other legally entitled persons. The necessary contributions and premiums shall be defrayed in equitable proportions by the Organization and the member of the staff concerned.

(2) The Director-General shall have power to make suitable provision for super-annuation benefits where appropriate, subject to Finance Committee approval.

PART IV

Period of Employment - Discipline

Article 19

- (1) Appointments will normally be made for periods of five years or less. In exceptional cases appointments of longer duration may be made. Appointments shall be subject to notice on either side.
- (2) All first appointments for periods of not less than 12 months shall provide for a probationary period as follows:-
 - (i) In appointments for periods of 5 years or longer, a probationary period of not less than one year. During the probationary period the appointment may be terminated by 2 months' notice on either side.
 - (ii) In appointments for periods of less than 5 years, a probationary period of not less than 6 months. During the probationary period the appointment may be terminated by one month's notice on either side.
- (3) After completion of the probationary period an appointment shall be terminated before the expiry of the appointment period only (i) by the resignation of the member of the staff, or (ii) as a result of the suppression of the post to which the appointment relates, or (iii) under the provisions of Article 22.
- (4) Resignation shall become effective on the expiry of the period of notice of resignation specified in the appointment, or at such earlier date as may be approved by the Director-General.
- (5) If an appointment is terminated by the suppression of the post to which it relates, the member of the staff shall be entitled to a period of notice, which shall be:-
 - (a) 3 months' notice where the appointment is for a period of 5 years or longer;
 - (b) 2 months' notice where the appointment is for a period of less than 5 years;
 - (c) 1 month's notice where the appointment is for a period of less than one year;

and to compensation calculated with due regard to the terms of his appointment and in accordance with rules for this purpose adopted by the Council on the recommendation of the Director-General.

Article 20

As a general rule the Organization shall not recruit nor retain in its service any member of the staff after he has reached the age of 65 years. In special cases if he considers it to be in the interest of the Organization to do so, the Director-General may, with the consent of the Council, continue the service of a member of the staff for further periods of one year at a time.

Article 21

(1) The Director-General may take disciplinary measures against members of the staff guilty of misconduct. According to the nature of the case, disciplinary measures shall be reprimand, withholding of salary increment, suspension with or without pay, downgrading, or dismissal.

(2) The Director-General may establish administrative machinery with staff participation, which shall be available to advise him in disciplinary cases.

PART V

Disputes

Article 22

Disputes between the Director-General and any member of the staff relating to the application of these regulations or of the contract of service shall be submitted to an arbitral tribunal of three members of which one shall be appointed by the Council, the second by the Director-General, and the third by members of the staff collectively.

PART VI

Application of regulations - Amendments

Article 23

Except in so far as prior reference to the Finance Committee is required by the Finance Rules, the Director shall provide and enforce such Staff Rules for the detailed application of the present regulations as he considers necessary. He shall report these Staff Rules annually to the Council.

Article 24

For staff appointed for very short-term engagements, or for a special requirement, the Director-General shall have discretion to decide which of the provisions of these Articles may be waived.

Article 25

The present regulations may be amended by further regulations made by the Council without prejudice to the accumulated rights of persons already employed.

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