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<b>Document title</b>	Change to the Staff Regulations for the Professional Staff of the Helsinki Commission
<b>Code</b>	7-4 Rev.1
<b>Category</b>	DEC
<b>Agenda Item</b>	7 - Accounts 2018–2019, budget 2020–2021 and other institutional and organisational matters of the Commission
<b>Submission date</b>	5.3.2020
<b>Submitted by</b>	Executive Secretary
<b>Reference</b>	Staff regulations for the professional staff of the Helsinki Commission, HOD 17-2005 Annex 9

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*This document contains proposed changes to the wording of paragraph 3.3 as shown in track changes.*

## Background

HELCOM Heads of Delegation have in correspondence asked for clarification and necessary changes to the Staff regulations for the professional staff of the Helsinki Commission. The needed changes concern the Rule 3.3. which covers the recruitment and appointment of professional staff.

The proposed version intends to clarify the issue regarding a re-appointment of professional secretaries. In addition, procedure to recruit P-staff members to the HELCOM Secretariat as approved by HOD 17-2005 (Annex 9) is proposed to be included as a footnote to the Staff regulations.

The original wording of the chapter is the following:

3.3 For the Professional Secretaries the initial appointment is for three years the first six months of which shall be a probationary period with the possibility of a prolongation, after a new, competitive recruitment process, for another period not exceeding three years (3+3 years, maximum 6 consecutive years altogether).

This wording has proven to be open to interpretation. In order to ensure that the Rule is unambiguous, the Secretariat proposes to amend the Rule as follows:

3.3 For the Professional Secretaries the initial appointment is for three years, the first six months of which shall be a probationary period with the possibility of a prolongation for another period not exceeding three years (3+3 years, maximum 6 consecutive years altogether). Professional Secretaries having served a total of 6 consecutive years shall no longer be eligible for reappointment ~~to the previously occupied same post~~ ~~as Professional Secretaries~~<sup>1</sup>. ~~In exceptional cases, the Commission Heads of Delegation may~~ decide on a one-time extension ~~of the contract of a~~ Professional Secretary beyond the six-year limit if this is deemed to be necessary and in the interest of the organization. The duration of the extension is determined by the ~~Commission but may not exceed one year. Heads of Delegation but may not exceed one year~~<sup>2</sup> Procedural issues relating to the recruitment of P-Staff members are governed by the relevant decisions of the Heads of Delegation.<sup>3</sup> This provision does not rule out an application for the post of Executive Secretary.

Annex 1: Staff Regulations for the Professional Staff of the Helsinki Commission (as revised 6 March 2013)

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<sup>1</sup> Note: In the amended Staff Regulations the relevant decisions will be listed in a footnote to Rule 3.3

### Action requested

The Meeting is invited to take note, consider and adopt the amendment of Rule 3.3 of the Staff Regulations for the Professional Staff of the Helsinki Commission, paragraph 3.3.

**STAFF REGULATIONS FOR THE PROFESSIONAL STAFF  
OF THE HELSINKI COMMISSION  
BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION**

**adopted by the Extraordinary Meeting on 7 September 1999; and revised by the 21st meeting of the Commission on 20 March 2000, by the 22nd meeting on 21 March 2001 and by the 34<sup>th</sup> meeting of the Commission on 6 March 2013**

**RULE 1            DUTIES, OBLIGATIONS, PRIVILEGES**

1.1    Members of the professional staff of the Commission are international civil servants. They discharge their duties and adjust their conduct, having in mind the interest of the Commission.

1.2    The Executive Secretary shall exercise authority with regard to other members of the staff, who shall answer before him/her in the fulfilment of their duties.

1.3    In the performance of their duties, staff members may neither seek nor accept instructions from any government or authority other than the Commission.

1.4    Staff members shall observe the utmost discretion regarding all matters of the Commission's business.

1.5    Professional staff members enjoy the privileges and immunities to which they are entitled under the Agreement between the Commission and the Government of Finland on the Office and the Privileges and Immunities of the Commission.

1.6    The normal work schedule shall be eight working hours per day during the week, Monday through Friday. At meetings arranged by the Commission or Heads of Delegation, staff members shall do the work required, without extra compensation.

**RULE 2            SALARIES AND OTHER REMUNERATIONS**

2.1    The remuneration of professional staff shall be related to the appropriate United Nations grade. The salary, which is non-incremental, shall be set out in a contract of

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employment as decided by the Executive Secretary and the Heads of Delegation. The contract may include provisions to reward exceptional performance.

2.2 The payment of salaries and other remunerations shall be made in Finnish currency.

2.3 Any significant change in remuneration requires prior approval by the Commission or Heads of Delegation.

2.4 There will be no overtime pay for professional staff.

2.5 Staff members other than those serving in their home country, shall be entitled to an allowance for each dependent child under 18 years of age and, if the education of the child is continued, up to its 21st birthday, according to the Staff Rules of the United Nations.

2.6 The Commission shall pay on a temporary basis a daily subsistence allowance for staff members arriving from outside Finland, including dependent family members arriving with the staff member, according to the Staff Rules of the United Nations. The allowance may extend for a maximum period of 30 days, when the staff member has a dependent family. In the case of a person not having dependents, the allowance will extend for 15 days only.

2.7 Staff members other than those serving in their home country shall be entitled to education travel for dependent children under 21 years of age, for a total of one trip per year, subject to approval by the Commission.

2.8 The Commission shall pay 75% of the annual tuition costs for each dependent child of staff members or US\$ 9.750, whichever is less. Official receipts shall be obtained from the corresponding educational institution.

This education grant shall not be paid:

- 2.8.1 in respect of children of staff members serving in their home country
- 2.8.2 in respect of attendance at a public (State) school in Finland
- 2.8.3 for attendance at a university in Finland
- 2.8.4 for correspondence courses or private tuition
- 2.8.5 when schooling does not require regular attendance at an educational institution
- 2.8.6 in respect of education expenses covered from scholarship grants or subsidies from other sources.

2.9 The Executive Secretary may, in exceptional circumstances, upon a written request by the staff member, authorize a salary advance. For the Executive Secretary such a salary advance shall

be authorized by the Chairman of the Commission. The salary advance shall be liquidated at a constant rate as determined at the time the advance is authorized, in consecutive months commencing not later than the month following that in which the advance is made

### **RULE 3                    RECRUITMENT AND APPOINTMENT**

3.1 The Commission shall appoint the Executive Secretary, after following an open and competitive recruitment procedure, and shall establish the tenure, remuneration and those other dispositions deemed appropriate. The selection shall be made on the basis of a recommendation put to the Commission by a panel consisting of an independent chairman, the Chairman of the Helsinki Commission, and a maximum of three other members appointed by the Commission. The Executive Secretary may cease in his/her duties by his/her own decision upon six months prior notice.

3.2 The Executive Secretary shall, with the approval of the Heads of Delegation and after following an open and competitive recruitment procedure, appoint other professional staff members. The selection procedure shall be conducted by a panel consisting of an independent chairman, the Chairman of the Helsinki Commission, the Executive Secretary and a maximum of two other members appointed by the Heads of Delegation.

3.3 For the Professional Secretaries the initial appointment is for three years the first six months of which shall be a probationary period with the possibility of a prolongation, after a new, competitive recruitment process, for another period not exceeding three years (3+3 years, maximum 6 consecutive years altogether).

### **RULE 4                    LEAVE**

4.1 Staff members shall be entitled to annual leave at the rate of 2.5 working days for each full month of service. Annual leave is cumulative but may not be carried over in excess of half of the annual leave at the end of each financial period.

4.2 The leave period shall not cause an interruption of normal Secretariat operations. In accordance with this principle, the dates of leave shall be subject to the needs of the service, wherefore they shall be authorised by the Executive Secretary who, insofar as possible, shall bear in mind personal circumstances, needs and preferences.

4.3 Leave may be taken in parts.

4.4 Staff members who, upon termination of their appointment shall have accumulated annual leave, shall, subject to Rule 4.1, receive compensation estimated on the basis of last salary received.

4.5 The staff members shall, whether working in their home country or not, be entitled to holidays per year as follows:

January 1	New Year	1 day
January 6	Epiphany	1 day
	Easter	2 days
May 1	First of May	1 day
May/June	Ascension Day	1 day
June	Midsummer	1 day
December 6	Finnish Independence Day	1 day
December 24-26	Christmas	3 days

4.6 If under special circumstances work is required on one of the aforementioned holidays, the holiday shall be observed on another date to be set by the Executive Secretary subject to service needs and, if possible, staff preferences.

## **RULE 5 SOCIAL SECURITY**

5.1 Professional staff members of the Commission who are not Finnish nationals but residents in Finland, shall be, according to Finnish law entitled to the benefits of the Finnish medical and hospital care with the same charges as Finnish nationals and other residents in Finland.

5.2 In case the staff member of the Commission is not covered by the social security system of the staff member's own country or when otherwise necessary, the Commission can agree with the staff member on other kinds of social security arrangements provided that the Commission's share in these arrangements will not exceed 18,9% of the salary<sup>2</sup>. Those staff members who are eligible for coverage by the Finnish government pension scheme can choose between the government pension and the private pension.

5.3 The above rules shall not prejudice the application of stipulations contained in existing or future agreements on social security to which any of the Contracting Parties to this Convention are parties.

5.4 No professional staff member shall be granted sick leave for a period of more than three consecutive days and more than a total of seven working days in any period of twelve months without producing a medical certificate.

5.5 A professional staff member shall be granted certified sick leave not exceeding 12 months in any 4 consecutive years. The first 6 months shall be on full salary and the second 6 months shall be on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months.

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<sup>2</sup> This is equivalent to the established practice of taking 14 % of 135 % of salary.

5.6 A professional staff member who will have served continuously for one year at the anticipated time of confinement shall be entitled to maternity leave of six months, and in accordance with medical advice. During the first 14 weeks the staff member shall receive full pay and corresponding allowances.

5.7 In event of death of a professional staff member following illness or surgery not resulting from an accident covered by appropriate insurance the date on which death occurs shall be the same on which the right to salary and allowances, as also corresponding benefits, shall cease, unless the deceased leaves a spouse, children or dependents, in which case these shall be entitled to a family indemnity. The above family indemnity due to the death shall be in accordance with the following scale:

<u>Years of service</u>	<u>Months of net base pay salary following death</u>
Up to 3 years	3 months/ minimum/
4 and 5 years	4 "
6 and 7 years	5 "
8 years and more	6 " /maximum/

Likewise, the Commission shall pay for shipment of the body from place of death to place designated by next of kin.

## **RULE 6 TRAVEL**

6.1 With regard to official travel for the Commission's account, the professional staff member shall be entitled to reimbursement for travel expenses, hotels, meals, communications, and any other type of expenses necessarily incurred by reason of the travel. The specific conditions concerning travelling will be determined from time to time by the Executive Secretary in agreement with the Heads of Delegation.

6.2 The Commission shall cover travel expenses for arrival at post of the staff member and family from place of residence to the Helsinki region, and return to place of origin at termination of assignment.

6.3 The Commission shall pay for shipment of household effects and goods from place of origin to the Helsinki region upon incorporation of the staff member. Such shipment shall be effected by the most appropriate and economical means. Likewise, upon separation from service with the Commission, the staff member shall have expenses covered for return of household effects and goods to point of origin.

## **RULE 7 SEPARATION FROM SERVICE**

7.1 A professional staff member appointed by the Executive Secretary may cease in his/her duties by his own decision at any time. In this event a professional staff member shall notify the Executive Secretary three months in advance.

7.2 The employment of a professional staff member may be terminated by the Executive Secretary in consultation with the Chairman of the Helsinki Commission and in accordance with the conditions set out in the contract of employment. The Commission may terminate the Executive Secretary's employment on the basis of a recommendation from the Heads of Delegation setting out the reasons for such termination, and in accordance with the conditions set out in the contract of employment.

**RULE 8                    SHORT – TERM CONTRACT PERSONNEL**

8.1     The Executive Secretary may contract the personnel he/she deems necessary to discharge special duties in the Secretariat within the quota of the budget adopted by the Commission.

8.2           Whenever possible, persons resident in the Helsinki region shall be employed.

**RULE 9                    ENFORCEMENT AND SETTLEMENT OF DISPUTES**

9.1     Issues arising from enforcement of these Regulations shall be resolved by the Executive Secretary following consultation with the Heads of Delegation.

9.2     Any dispute regarding the application of these Regulations, if not settled by negotiation, shall be submitted to a board of three arbitrators for final settlement unless the parties to the dispute agree to resort to another mode of settlement. One of the arbitrators shall be designated by the Chairman of the Commission, one by the staff member(s) concerned and the third, who shall act as the chairman, by the first two arbitrators or, should they fail to agree, by the City Court of Helsinki which will designate the third arbitrator.

**RULE 10                  AMENDMENTS TO THE STAFF REGULATIONS**

10.1    These Staff Regulations may be amended by the Commission by unanimous decision.

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