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| **Council Working Group on  Financial and Human Resources**  **Fifteenth meeting – 11 - 12 January 2022** | A picture containing text, clipart  Description automatically generated |
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**Contribution by the Secretariat**

Personal Status for the Purpose of ITU Entitlements

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| **Summary**  At the United Nations, the recognition of domestic partnerships is governed by the Secretary-General’s Bulletin ST/SGB/2004/13/Rev.1 of 26 June 2014. It states that the personal status of staff members for the purpose of entitlements under the Staff Rules and Staff Regulations of the United Nations will be determined by reference to the law of the competent authority under which the personal status has been established.  The UN Secretariat, its Funds, Programmes and Commissions recognize domestic partnerships, as they fall under the purview of Staff Rules and Staff Regulations of the United Nations. All the UN specialized agencies have followed suit. ITU is the last remaining agency in the UN system that has not as yet followed the same protocol as identified in the UN Secretary-General’s Bulletin.  **Action required**  The CWG-FHR is invited to:  1) **recommend** the amendments to the Staff Regulation applicable to appointed staff contained in Annex to this Decision; and  2) **recommend the Council to instruct** the Secretary-General to make corresponding amendments to the Staff Regulations in the other official languages of the Union. |

**PERSONAL STATUS FOR THE PURPOSE OF ITU ENTITLEMENTS**

Each year officials are asked to submit a family status report form, providing current information relating to their spouse and children. They can apply for dependency benefits for the coming year in respect of any family members who are dependent on them for their support.

**Situation in the UN Common system**

1. At the United Nations, the recognition of domestic partnerships is governed by the Secretary-General’s Bulletin ST/SGB/2004/13/Rev.1 of 26 June 2014. It states that the personal status of staff members for the purpose of entitlements under the Staff Rules and Staff Regulations of the United Nations will be determined by reference to the law of the competent authority under which the personal status has been established.

2. The UN Secretariat, its Funds, Programmes and Commissions recognize domestic partnerships, as they fall under the purview of the UN Secretariat staff rules and regulations. All the UN specialized agencies have followed suit. ITU is the last remaining agency in the UN system that has not as yet followed the same protocol as identified in the UN Secretary-General’s Bulletin.

**Legal framework**

3. The Staff Regulations and Staff Rules need to be updated to align ITU’s Policies, Rules and Regulations with those of all other organizations of the United Nations Common System.

4. Under article No. 63[[1]](#footnote-1) of the Convention of the International Telecommunication Union[[2]](#footnote-2) and Staff Regulation 12.1,[[3]](#footnote-3) Staff Regulations can be amended only by the Council of the ITU. Pursuant to Staff Rule 12.1.2,[[4]](#footnote-4) Staff Rules may be supplemented or amended by the Secretary-General.

5. To be able to follow the same protocol as identified in the UN Secretary-General’s Bulletin ST/SGB/2004/13/Rev.1 of 26 June 2014, Council needs to approve the proposed amendments to Staff Regulation 3.12 2) a), applicable to appointed staff, and contained in the Annex to this Decision. The requested change in the Staff Regulations will allow the Secretary-General to align ITU’s Staff Rules and related policies in line with the following:

* 1. The personal status of staff members for the purpose of entitlements under the Staff Regulations and Rules will be determined by reference to the law of the competent authority under which the personal status has been established.
  2. Staff members are responsible under Staff Regulations and Staff Rules for promptly notifying the Secretary-General in writing of any changes in their family situation or dependants’ status. Such notification of changes should be made in writing to the Chief, Human Resources Management Department. The dependency status is based on the information provided and subject to submission of satisfactory documentary evidence.

**Review of situation with other organizations in the UN system**

6. As stated above, all the UN specialized agencies have followed the same protocol as identified in the UN Secretary-General’s Bulletin ST/SGB/2004/13/Rev.1 of 26 June 2014. ITU followed up with several organization and confirmed that this is the case.

7. At the request of member states at the Council Working Group / Finance and Human Resources (CWG-FHR) held in September 2021, ITU reached out to the International Labor Organization (ILO) as it was noted they continue to use, in selected locations of their Staff Rules, the reference to “husband and wife” instead of the recommended “spouse” terminology. ILO clarified that these were used for specific situations related to the “husband and wife” construct, but that **they recognize domestic partnerships** as established by the Secretary-General’s Bulletin.

8. In fact, ILO provided their procedure “Family status report and application for dependency benefits” which states the following:

*“5. In line with the policy adopted by the United Nations and other organizations of the UN common system, an official’s family status for the purpose of entitlements under the Staff Regulations will no longer be determined by reference to the law of the country of nationality of the official, but by reference to the law under which the status was established.”*

**Clarity and availability of the Staff Rules and Regulations of ITU**

9. Based on the request by the CWG-FHR, the Secretariat has undertaken a full review and translation of the Staff Rules and Regulations into Russian, Arabic, and Chinese. The Staff Regulations and Rules are therefore translated into all ITU’s official languages. It is important to note that, according to article 29 of ITU’s Constitution, which states that: “*In case of discrepancy or dispute, the French text shall prevail*”, the base language for review has been the French version of the rules.

**Financial impact**

10. Noting the issues that emerge with regards to estimating the additional cost of this change, as there is no statistic within ITU to estimate the number of staff members on domestic partnerships that would be receiving dependency benefits, several organizations were contacted to get an estimation of the population that would be affected by this change. Not all organizations maintain such statistic, but several provided ITU with relevant data.

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| Organization | Percentage of staff in domestic partnerships |
| UNICEF | 1.32% |
| ILO | 2.40% |
| UNDP | 2.66% |
| UNHCR | 3.00% |
| IAEA | 3.00% |

11. Applying the highest percentage of 3.00% to ITU and considering the current number of international professional staff members (P1 to D2) as of November 2021 (437 individuals) we can estimate that the number of persons that would potentially be receiving dependency benefits for their domestic partner is 13 (3% of 437).

12. To calculate the estimated additional cost to ITU, we have used the example of a P4 at the midpoint step 7. The dependency allowance is calculated as 6% of the salary plus post allowance which for this case is 6% of CHF 143,066. This represents an estimated individual additional cost for ITU of CHF 8,584 per staff member, that is, a yearly total cost of CHF 111,592 if we consider all 13 cases[[5]](#footnote-5).

The financial impact derived from the implementation of the above suggested alignment with United Nations Common System policies in this regard can, and will be, accommodated within existing resources of the Union’s budget 2022-2023 and will be added in the draft financial plan 2024-2027.

**Costs of not implementing this change**

13. The United Nations Charter sets forth the "inherent dignity" and the "equal and inalienable rights of all members of the human family." Upholding these human rights principles as "the foundation of freedom, justice, and peace in the world" is fundamental to every undertaking of the UN. The rights of the staff involve a wide array of human rights ranging from the freedom of association and right to decent work to equal opportunity and protection against discrimination.

14. In addition to the reputational risk of being the only UN organization that does not recognize domestic partnerships, the current policy undermines employee retention, makes it difficult to recruit new talent, especially younger generations who are looking to work for organizations espousing modern and just principles.

15. Furthermore, depriving staff in domestic partnerships from the tangible and intangible benefits of recognition by their employer, is not only an act of discrimination but it affects their mental health and wellbeing, puts them at a disadvantage with respect to fellow colleagues, and deprives them from the possibilities of enjoying full legal recognition at their duty station with the legal, economic, and social consequences that this represents.

**Proposal to be considered by the Council**

16. Based on the above, adopt the amendments in Annex of this Report, in order to align ITU’s policies in this regard with those of all other organizations of the United Nations Common System.

17. This is in compliance with Resolution 71/243 of the UN General Assembly, which calls for entities of the United Nations development system to “operate according to the principle of mutual recognition of best practices in terms of policies and procedures, with the aim of facilitating active collaboration across agencies and reducing transaction costs for Governments and collaborating agencies”. In direct response to that resolution, the ITU Secretary-General has signed the Mutual Recognition Statement, as also done by 18 other executive heads, including UNESCO, WHO, UNHCR, UNICEF, UNDP, UNFPA, ILO and UNOPS.

18. Corresponding amendments will be made in the Staff Regulations by the Secretary-General to the other official languages of the Union, as well as to the Staff Rules applicable to Appointed Staff.

ANNEX

draft DECISION […]

Amendments to Staff Regulations  
applicable to appointed Staff

The ITU Council,

in view of

No 63 of the Convention of the International Telecommunication Union and of Regulation 12.1 of Staff Regulations applicable to appointed staff,

having considered

the report submitted by the Secretary-General in document [C22/47](https://www.itu.int/md/S22-CL-C-0047/en) to the Council,

decides

1 to approve the amendments to the Staff Regulation applicable to appointed staff contained in Annex to this Decision; and

2 to instruct the Secretary-General to make corresponding amendments to the Staff Regulations in the other official languages of the Union.

Annex to draft decision

Staff Regulation 3.12 2) a):

The Staff member shall receive a spouse allowance for his/her dependent spouse or domestic partner. However, when ~~husband and wife~~ spouses or domestic partners have been legally separated, the Secretary-General shall decide, in each case, whether the allowance shall be paid.

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1. The Council shall “1 *ter)* approve and revise the Staff Regulations and the Financial Regulations of the Union and any other regulations as it may consider necessary, taking account of current practice of the United Nations and of the specialized agencies applying the common system of pay, allowances and pensions”. [↑](#footnote-ref-1)
2. The Convention, together with the Constitution of the International Telecommunication Union, is one of the organization’s basic instruments. [↑](#footnote-ref-2)
3. Regulation 12.1 General provisions

   “These Regulations may be supplemented or amended by the Council, without prejudice to any conditions of service quoted in the letters of appointment or contract of individual staff members and provided that, up to the date of amending the Regulations in force, there shall be no interference with the applications of the said Regulations to a staff member and that the amended Regulations shall have no retroactive effect.” [↑](#footnote-ref-3)
4. Rule 12.1.2 Amendment of and exceptions to Staff Rules

   “a) These Rules may be supplemented or amended by the Secretary-General, without prejudice to any condition of service quoted in the letters of appointment or contract of individual staff members and provided that, up to the date of amending the Rules in force, there shall be no interference with the application of the said Rules to a staff member and that the amended Rules shall have no retroactive effect.

   b) Exceptions to the Staff Rules may be made by the Secretary-General, provided that no exception is inconsistent with any Staff Regulation or other decision of the Council, and provided further that it is agreed to by the staff member directly affected and is, in the opinion of the Secretary-General, not prejudicial to the interests of the Union or of any other staff member or group of staff members.” [↑](#footnote-ref-4)
5. This calculation is being made using November 2021 rates. [↑](#footnote-ref-5)