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SECTION: 330 Disciplinary Measures

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330.1 Introduction

330.1.1 General--text

330.1.11 This Manual Section supplements [Staff Regulation 301.10](#) and [Chapter X](#) of the Staff Rules on disciplinary measures.

STAFF REGULATION

301.10.1 The Director-General may establish an administrative machinery with staff participation which will be available to advise him in disciplinary cases.

301.10.2 The Director-General may impose disciplinary measures on staff members whose conduct is unsatisfactory, and may summarily dismiss a member of the staff for serious misconduct.

301.10.3 Staff members whose appointments are terminated by the Organization, or who are demoted or suspended, shall be entitled to a written statement of cause at the time notice is given, and an opportunity to reply in writing.

STAFF RULES

303.0.1 Formal measures. Disciplinary measures imposed by the Director-General upon staff members whose conduct is unsatisfactory shall consist of written censure, suspension without pay, demotion, or dismissal for misconduct, provided that suspension pending investigation under [Staff Rule 303.0.3](#) shall not be considered a disciplinary measure.

303.0.2 Written censure. Written censure as provided under [Staff Rule 303.0.1](#) shall be distinguished from written or oral reprimand of a staff member by a supervisory official. Such written or oral reprimand shall not be deemed to be a disciplinary measure within the meaning of this Rule.

303.0.3 Suspension pending investigation. If a charge of misconduct is made against a staff member and the Director-General so decides, the staff member may be suspended from duty, with or without pay, pending investigation, the suspension being without prejudice to the rights of the staff member.

303.0.4 Suspension without pay as disciplinary measure. Staff members who are suspended without pay as a disciplinary measure under [Staff Rule 303.0.1](#) shall be removed from pay status during the period of such suspension and shall not accrue service credits towards annual, sick, home leave, family visit travel, salary increment, separation payments scheme, termination indemnity or repatriation grant during the period. If such staff members wish to continue medical insurance and participation in the United Nations Joint Staff Pension Fund during the period of suspension, they shall pay their own and the Organization's contributions thereto, subject to the Regulations and Rules of the UNJSPF.

330.1.2 Application.--text

Provisions of this Manual Section apply to all staff members of the Organization, including field personnel, temporary conference staff, and other short-term personnel.

330.1.3 Purpose of Disciplinary Measures.--text

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The purpose of disciplinary measures is to protect the integrity and efficiency of the Organization. They are not imposed without a thorough investigation of the facts, and without affording the staff member concerned an opportunity to state his case to the responsible officer (see [para 330.1.4](#)).

330.1.31 Disciplinary measures may take the form of written censure, of suspension without pay, of demotion, of dismissal for misconduct, and of summary dismissal for serious misconduct.

330.1.32 Reprimand. An oral or written reprimand does not constitute a disciplinary measure but is a formal warning to the staff member involved. A written reprimand is distinguished from a written censure (see [para. 330.2.1](#)) by the gravity of the misconduct.

330.1.4 Responsibility for Imposition--text

330.1.41 A disciplinary measure may be imposed:

- (a) For staff members at the P-5 level and above, the Director of the Office of Human Resources (Director, HR) makes recommendations to the Director-General, who retains authority to impose disciplinary measures;
- (b) For staff members at the P-4 level and below, the Director, HR makes recommendations to the Deputy Director-General Operations who has authority for imposition. However, in cases where the proposed disciplinary measure is dismissal for misconduct, or in cases of fraud or sexual harassment, the recommendation of the Director, HR is made to the Director-General who retains authority to impose disciplinary measures.

330.1.42 The Director-General retains authority to impose the disciplinary measure of summary dismissal for serious misconduct, irrespective of grade.

330.1.5 Unsatisfactory Conduct--text

330.1.51 Unsatisfactory conduct on the part of a staff member is conduct which is incompatible with the staff member's undertaken or implied obligation to the Organization or failure to comply with the requirements of Article I of the Staff Regulations.

330.1.52 Without restricting the generality of para. 330.1.51, the following are specific examples of unsatisfactory conduct:

- (a) Use of official position, authority, or property for pecuniary gain or advantage for staff member or others.
- (b) Abuse of authority or trust to the detriment of the Organization, or any conduct of such character which is detrimental to the name of the Organization.
- (c) False statement, misrepresentation or fraud, whether oral or written, pertaining to official matters.
- (d) Any action calculated to impede the effective operation of the Organization.
- (e) Serious violation of any applicable national law.
- (f) Wilful or grossly negligent acts that endanger lives or cause damage to property.
- (g) Neglect or avoidance of just claim for debt or any comparable obligation.
- (h) Insubordination or refusal to obey instructions.



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(i) Unwillingness to perform prescribed duties or unwillingness to perform them in a satisfactory manner.

(j) Conduct which renders the staff member unable to perform his/her duties properly, for example being intoxicated when on duty, or unauthorized absence from duty.

(k) Lack of neutrality, and comparable failure to conform with the requirements in Article I "Duties, Obligations and Privileges" of the Staff Regulations, particularly [301.1.1, 1.3, 1.4, 1.5, 1.7, and 1.9](#).

330.2 Definition of Disciplinary Measures

330.2.1 Written Censure--text

Written censure is the formal recording of a staff member's unsatisfactory conduct, the gravity of which does not justify the imposition of more drastic disciplinary measures (listed below).

330.2.2 Suspension without Pay--text

330.2.21 Imposition of suspension without pay as a disciplinary measure consists in removal of the staff member from pay status for a specified period. During the period all pay and allowances cease. The staff member is not permitted to continue his/her duties and is allowed entrance to FAO premises only for specific purposes when authorized by the Director, HR, at Headquarters and the Head of Office in other places.

330.2.22 [deleted]

330.2.23 If a staff member has received suspensions without pay totaling 30 days or more during his/her service with the Organization, he/she may be terminated in accordance with applicable provisions of Staff Rule [302.9](#) and of [Manual Section 314](#) - SEPARATION.

330.2.3 Demotion--text

330.2.31 Disciplinary demotion is the removal of a staff member from the post he/she is currently holding to another post of a lower grade level.

330.2.32 Upon disciplinary demotion, the staff member's salary is determined by the Director, HR (see Manual Section 311 - CHANGE IN STATUS).

330.2.4 Dismissal for Misconduct--text

330.2.41 Definition

Dismissal for misconduct is termination for unsatisfactory conduct as defined below:

(a) Dismissal for misconduct is a termination for unsatisfactory conduct that has jeopardized, or would be likely to jeopardize, the reputation of the Organization and its staff;

(b) Dismissal for misconduct involving misrepresentation is a termination when it is found that a staff member has, prior or subsequent to appointment, deliberately misled the Organization through false statements, misrepresentation or fraud (including any false statement on, or misleading omission from, a Personal Profile Form, or a medical declaration form) which are of such a nature that, had the truth been known, there is a strong presumption that the candidate would not have been appointed or that the action contemplated by the Organization would not have been taken.



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330.2.42 Dismissal for misconduct does not affect the notice period provided for under [Staff Rule 302.9.3](#).

330.2.43 Dismissal for misconduct does not affect a staff member's entitlements to repatriation grant, payment of accrued annual leave, repatriation travel and removal of household goods at the Organization's expense or withdrawal benefits under the Regulations of the UN Joint Staff Pension Fund.

330.2.44 Entitlement to termination indemnity is determined in accordance with [Staff Regulation 301.15.4](#).

330.2.5 Summary Dismissal for Serious Misconduct--text

330.2.51 Imposition of this disciplinary measure consists in the termination of a staff member without benefit of the notice period. It is imposed when the misconduct of the staff member concerned is so serious that it has gravely jeopardized or is likely to gravely jeopardize the reputation of the Organization and its staff.

330.2.52 The only terminal emolument payable to a staff member upon summary dismissal is that for accrued annual leave.

330.2.53 If otherwise eligible, the staff member is entitled to repatriation travel and removal of household goods at the Organization's expense.

330.3 Procedure

330.3.1 Informal Action (non-disciplinary).--text

It is the responsibility of the supervisor concerned, when a situation arises involving the conduct of a staff member and in the supervisor's view is not so serious as to require formal action, to discuss with the staff member the matter, primarily with the object of helping the staff member mend the situation, and secondarily to give due warning that failure to mend the situation will lead to formal disciplinary action.

330.3.2 Formal Action--text

330.3.21 Initiation of disciplinary action and imposition of disciplinary measures adhere to the following procedure.

330.3.22 The Director, HR, addresses to the staff member concerned a strictly confidential memorandum describing the unsatisfactory conduct and stating the specific measure to be imposed.

330.3.23 [deleted]

330.3.24 [deleted]

330.3.25 The staff member is afforded five working days from the date of recorded receipt of the memorandum to submit a reply.

330.3.26 If a reply is received, the Director, HR (or an official designated by him) may, either at her/his initiative or at the request of the staff member, discuss the reply with the staff member.

330.3.27 The Director, HR, may then:

(a) impose the measure; or

(b) annul the proposed action; or



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(c) suspend action and recommend that further investigation is warranted; or

(d) refer the case to the Director-General, with recommendations.

330.3.28 During the course of the above procedure, the staff member may be suspended from duty pending investigation, in accordance with Staff Rule [303.0.3](#).

330.4 [deleted]

330.5 Formal Appeal against Disciplinary Actions

330.5.1 Appeals Committee--text

A staff member against whom a disciplinary measure has been imposed may lodge an appeal against such action in accordance with Chapter XI of the Staff Rules and [Manual Section 331](#) - APPEALS.

330.5.2 Effect upon Disciplinary Measures--text

330.5.21 Appeal against a disciplinary measure does not prevent the measure from being carried out in accordance with the provisions prescribed in this Manual Section.

330.5.22 If the Director-General decides on the basis of the Appeals Committee's Report that the measure should be modified or cancelled, the appropriate corrective action is taken by the Director, HR.