



FOURTEENTH ITEM ON THE AGENDA

Amendments to the Staff Regulations

1. In November 2000, the Office informed the Governing Body that a number of United Nations common system organizations had adopted procedures designed to ensure compliance when officials failed to meet their family support obligations. At its 280th Session (March 2001), the Governing Body asked the Office to submit a proposed amendment to the Staff Regulations which would authorize the Office to take action to implement family support obligations through salary deductions where officials do not respect a relevant court order.
2. At its 282nd Session (November 2001), the Governing Body approved a proposed amendment to Chapter III of the Staff Regulations, adding a subsection (b) to article 3.16. The new subsection (b) established a statutory framework whereby the Office would be authorized to deduct from an official's salary the amount of family support payments ordered by a national court in the event that the official failed to honour the court order.
3. Since the adoption of article 3.16(b) in 2001, difficulties have arisen in relation to its implementation, in that the current text provides for enforcement of the family support obligation "only where the national court order is no longer subject to appeal". Such support orders are, however, typically issued as interim measures that are intended to be enforceable to safeguard the welfare of dependants pending the final outcome of legal proceedings. A review of the relevant provisions of other common system organizations as well as the United Nations itself, indicates a growing trend towards the authorization of salary deductions to implement family support orders that are enforceable under the national legal system, without requiring that the relevant order no longer be subject to appeal.
4. In light of the above, it is proposed to amend article 3.16(b) of the Staff Regulations in order to better align the rules of the Office to the practice of other UN common system organizations as well as to the most recent trends in family law. The current procedural guarantees for any concerned official remain unchanged. In accordance with article 14.7 of the Staff Regulations, the Joint Negotiating Committee has been consulted on this proposed amendment.

5. It is proposed to amend the text of subsection (b) as follows:

Family support obligations

- (b) The Director-General may provide for the deduction from the total monthly payment due to an official of the amount ordered by a national court to which the official is subject, to be paid to spouses, former spouses or dependent children. Such a deduction shall be provided for only where the national court order is enforceable under the national law [~~no longer subject to appeal~~] and where the official has been given a reasonable period of notice and opportunity to discuss with the relevant services the forthcoming deduction.

6. *The Committee may wish to recommend to the Governing Body that it approve the text of the proposed Staff Regulations set out in paragraph 5 above.*

Geneva, 21 February 2008.

Point for decision: Paragraph 6.