



Legal Experts Task Team (LETT)
Online Meeting of 11th April 2025

PAPU/PRC/LETTWG/PL/LETT/03/2025 - Doc No.03 & Annex
Original: French

Proposed amendments of the PAPU Staff Rules and Regulations

Agenda item No.05

1. Subject Proposed amendments to the PAPU Staff Rules and Regulations	2. References/paragraphs <ul style="list-style-type: none">• Acts of the Union;• PAPU Staff Rules and Regulations;• Programme of Activities of the Policy and Regulation Committee 2022-2025
3. Decision expected <ul style="list-style-type: none">• Consider this Working Document;• Make any relevant comments, observations or proposals	

I. INTRODUCTION

Pursuant to the Programme of Activities 2024-2025, the PAPU General Secretariat has conducted a review of the PAPU Staff Regulations and Rules with a view to identifying gaps or inconsistencies and proposing appropriate amendments. This exercise was performed in line with the provisions of **Rule 89 (3)** of the Staff Rules and Regulations, which state that: ***“The initiative to change or amend the Staff Rules and Regulations may equally be taken by the General Secretariat.”*** Along these lines, the PAPU Staff Rules and Regulations were reviewed and a number of amendments and new provisions are being proposed. The proposed amendments deal with disciplinary proceedings, termination of service, secondment, advancement, promotion and progression, as well as to payment of education allowance. The proposed new provisions relate, among other things, to the introduction of early retirement for medical reasons, dismissal and recusal of Advisory Committee members.

Furthermore, in order to ensure that the guiding principles of human resources management are taken into account, the proposed amendments to the Staff Regulations were first examined by the Human Resources Working Group during its online meeting on 8th April 2025. This document is therefore presented to the Legal Experts Task Team (LETT) for consideration, taking into account comments and amendments by the Human Resources Working Group.

II. OBJECTIVES OF PROPOSED AMENDMENTS

The proposed amendments to the Staff Regulations are aimed specifically at:

- a. Harmonizing the provisions of the PAPU Staff Rules and Regulations;
- b. Promoting fairness in the management of PAPU staff members;
- c. Improving the effectiveness of the disciplinary procedure while protecting the rights of PAPU staff members and ensuring observance of due process;
- d. Applying best practices in human resources management;
- e. Tapping into lessons learned from practical experience in managing PAPU human resources.

III. DECISION EXPECTED

The Legal Experts Task Team is called upon to consider the document and make any relevant comments, observations or proposals.

STAFF RULES AND REGULATIONS

<p>CHATPER VI</p> <p>ADVANCEMENT AND PROMOTION</p> <p>RULE 25</p> <p>ADVANCEMENT IN STEPS WITHOUT CHANGE IN GRADE</p>	<p>The title of the Rule does not take into account "progression" which is nevertheless dealt with under this chapter and in this Rule.</p> <p>Advancement and promotion are dealt with under separate articles while progression is covered by Rule 25, paragraphs 8 and 9 on advancement. However, these are two (02) different concepts.</p> <p>It is appropriate to correct these shortcomings in the form to facilitate the use of the PAPU Staff Rules and Regulations, particularly in these paragraphs.</p> <p>This Article simply provides for movement to the next grade at a step offering a higher salary than prior to the progression, without expressly specifying the upper limit of the new salary. This may give room for abusive or controversial practices in calculating the new salary of upgraded staff.</p> <p>There is also a substantive error in the content of this Article, which deals with progression to the next grade. The term "advancement" is used here, whereas these are two different concepts.</p>	<p>CHAPTER VI</p> <p>ADVANCEMENT, PROGRESSION AND PROMOTION</p> <p>RULE 25</p> <p>Advancement in steps without change in grade</p> <p><i>1. Any staff member on permanent appointment shall be granted advancement in grade without change in grade on the basis of merit and a satisfactory appraisal report, after each year of continuous service</i></p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p>
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8. ~~“Progression from one grade to another after reaching the ceiling of the grade shall be subject to successful outcome of a performance assessment and conduct appraisal showing that the member of staff obtained sixty percent (60%) or more aggregate score and is performing his/her duties satisfactorily.~~

9. ~~Where a staff member reaches the tenth or last step of the grade, he/she shall advance to the next grade and shall be placed on a step that is higher in value to his or her salary prior to the next grade advancement. He/she shall be assigned this new grade and step on personal-to-holder basis after spending two consecutive years on the ceiling of the last grade.~~

RULE 26 (New)

PROGRESSION

1. Progression from one grade to another after reaching the ceiling of the grade shall be subject to successful outcome of a performance assessment and conduct appraisal showing that the member of staff obtained sixty percent (60%) or more aggregate score and is performing his/her duties satisfactorily.

		<p>2. Where a staff member reaches the tenth or last step of the grade, he/she shall advance to the next grade and be placed on the immediately higher value step to his or her salary before the progression to the next grade advancement, pursuant to the applicable PAPU salary structure. He/she shall be assigned this new grade and step on a job-to-holder basis after spending two consecutive years on the ceiling of the last grade.</p>
		<p style="text-align: center;">RULE 1</p> <p>Progression: This is a movement from the last step of a lower grade to the next higher grade at the step within this grade giving an immediately higher salary than the previous grade.</p> <p>Advancement: This is a movement from one step to the next higher step within the same grade.</p> <p>Promotion: This is a movement from a lower-grade post to a higher-grade post.</p>

RULE 27(1):**ORGANS**

An Advisory Committee shall be formed under the chairmanship of the Assistant Secretary General, with all Heads of Departments as members. Its role shall be to advise the Secretary General, to give opinions, to make suggestions or proposals on all issues regarding the general administration of the General Secretariat. The functions, terms and conditions of operation of this Body shall be defined by the Secretary General.”

Under this provision, the Advisory Committee membership must be chaired by the Assistant Secretary General. However, it might happen that he/she is absent. It is then appropriate to correct this provision in order to guard against any malfunction due to the absence of the Assistant Secretary General.

Furthermore, this provision indicates that only Heads of departments are members of the Advisory Committee. This could extend the processing times for files submitted to the Advisory Committee due to the absence of one or more Heads of departments. It is, therefore, appropriate to provide for certain flexibility concerning the committee members by providing for the representation of department heads in case they are unavoidably absent (leave, missions, etc.)

Finally, given the sensitive nature of the issues submitted to the Advisory Committee, in particular recruitment and disciplinary matters, it is appropriate to provide for cases of recusal to protect against conflicts of interest and to guarantee further the impartiality of the Advisory Committee and its members.

RULE 27(1):**ORGANS**

An Advisory Committee shall be composed of the Assistant Secretary General and all Heads of Departments or **their duly designated alternates**. Its role shall be to advise the Secretary General, to give opinions, to make suggestions or proposals on all issues regarding the general administration of the General Secretariat. The functions, terms and conditions of operation of this Body shall be defined by the Secretary General.”

RULE 27(2) (New)**RECUSAL OF MEMBERS OF THE ADVISORY COMMITTEE**

- a) **Each member of the advisory committee shall recuse him/herself from the meeting where the Advisory Committee hears a matter involving himself or herself.**
- b) **In the event where several members are concerned, they shall recuse themselves from the deliberations solely when the matter on the meeting agenda in which they have an interest is being considered.**

<p>Rule 44: Official Holidays</p> <p>1. Official holidays with pay for all staff members of the Union are:</p> <p>a) 25th May, (Africa Union) Day;</p> <p>b) 1st May, Workers Day;</p> <p>c) Public Holidays observed by the host-country.</p> <p>2. Any member of staff whose country observes a national holiday shall be excused from work on that day on presentation of a formal request. Such requests shall be limited to one National Day in the case of countries observing more than one National Day.</p>	<p>This provision is inconsistent with the relevant provisions of the African Union. As AU's specialized institution for the postal sector in Africa, PAPU can equally consider these important days for the continent as public holidays. The proposal is therefore to harmonize it with the African Union provisions, particularly with regard to "Africa Day" and "African Union Day".</p> <p>Rule 4.2-2 of the Staff Rules and Regulations provides that:</p> <p>(b) Staff members shall be entitled to the following official paid holidays:</p> <p>i) 25th May (Africa Day); and 9th September (African Union Day)</p> <p>(d) Where an official holiday falls on a weekend, staff members shall be entitled to one (01) additional day of annual leave.</p>	<p>Article 44: Official Holidays</p> <p>1. Official holidays with pay for all staff members of the Union are:</p> <p>a) 25th May, (African Union Africa Day);</p> <p>b) 9th September (African Union Day);</p> <p>c) 1st May (Labour Day)</p> <p>d) Public holidays observed by the host country.</p> <p>2. Any member of staff whose country observes a national holiday shall be excused from work on that day on presentation of a formal request. Such requests shall be limited to one National Day in the case of countries observing more than one National Day. If the national holiday falls on a non-working day, the staff member shall be granted a compensatory day off on the next working day or any other day approved by the Secretary General.</p>
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<p>RULE 47(5):</p> <p>ALLOWANCES AND BENEFITS TO ALL STAFF</p> <p>An education allowance shall be paid for each dependent child attending a school. This grant will be paid in respect of dependent children of all members of staff, including those working in their own countries, in line with the prevailing African Union regulations.</p>	<p>This provision is inconsistent, especially since it does not take into account the fact that short-term contracts are a special case. While education allowances are paid annually, some staff members are on short-term contracts, which are defined as contracts lasting at least three (3) months and less than one (1) year.</p> <p>It is therefore appropriate to correct this inconsistency by providing, following the example of the African Union, special conditions for project staff, part-time staff, temporary staff, consultants and those on short-term contracts.</p>	<p>RULE 47(5):</p> <p>ALLOWANCES AND BENEFITS TO ALL STAFF</p> <p>An education allowance shall be paid for each dependent child attending a school, limited to four (04) children, provided the children are at least three (03) years old and at most twenty-three (23) years old.</p> <p>This grant will be paid in respect of dependent children of all members of staff, including those from the host country, in line with the prevailing African Union regulations.</p> <p>The amount paid to locally recruited staff members, excluding those on short-term contracts, is equivalent to forty percent (40%) of the education allowance paid to internationally recruited staff members working outside their country of origin.</p> <p>Project staff, part-time staff, temporary staff, staff recruited on short-term contracts and consultants are not entitled to the education allowance. However, if they have been in the service of the Union for more than four (04) years continuously, their children are entitled to forty percent (40%) of the education allowance paid to internationally recruited staff members serving outside their country of origin.</p>
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<p>RULE 57(1):</p> <p>ADMINISTRATION OF SANCTIONS</p> <p>Written warning and censure shall be served by the Head of Department or Secretary General if the Head of Department is affected, of the member of staff concerned.</p>	<p>Considering the degree of seriousness (implications) of a censure, which must be recorded in the employee's file, it is not advisable for such a sanction to be left to the sole discretion of the Head of Department.</p> <p>It is therefore proposed that this provision be amended in order to protect the rights of the staff and prevent any possible abuse.</p>	<p>RULE 57(1):</p> <p>ADMINISTRATION OF SANCTIONS</p> <p>Written warning and censure shall be served by the Head of Department or Secretary General if the Head of Department is affected, of the member of staff concerned.</p>
<p>RULE 57(2):</p> <p>ADMINISTRATION OF SANCTIONS</p> <p>None of the sanctions under Article 56 may be meted out to a staff member unless his/ her case has been referred to the Advisory Committee as laid down in the Staff Rules and Regulations.</p>	<p>Considering that Article 57-1 above allows for warnings to be administered by the Head of Department or the Secretary General, as the case may be, Article 57-2 should be amended to accommodate the recognized authority of the Head of Department or the Secretary General to administer warnings without prior referral to the Advisory Committee.</p>	<p>RULE 57(2):</p> <p>ADMINISTRATION OF SANCTIONS</p> <p>Except for a warning, none of the sanctions under Article 56 may be meted out to a staff member unless his/ her case has been referred to the Advisory Committee as laid down in the Staff Rules and Regulations.</p>

<p>RULE 57(3):</p> <p>ADMINISTRATION OF SANCTIONS</p> <p>The final decision shall be taken by the Secretary General on the Advisory Committee's recommendation.</p>	<p>Considering that Article 57-1 above allows for warnings to be administered by the Head of Department or the Secretary General, as the case may be, Article 57-2 should be amended to accommodate the recognized authority of the Head of Department or the Secretary General to administer warnings without prior referral to the Advisory Committee.</p>	<p>RULE 57(3):</p> <p>ADMINISTRATION OF SANCTIONS</p> <p>Except for a warning, the final decision shall be taken by the Secretary General on the Advisory Committee's recommendation.</p>
<p>RULE 58 : DISCIPLINARY PROCEDURE</p> <p>2. When a member of staff's written reply is received, or upon the expiration of the time allowed for reply, if it is considered that a prima facie case exists for disciplinary action, a report setting out the charge together with the member of staff's reply, if available, shall be forwarded through the hierarchical channels to the Secretary General on the recommendation of the Advisory Committee.</p>	<p>In its current wording, the last segment of this Rule allows for the same matter to be referred to the Advisory Committee twice. It is recommended to strike out this last bit.</p>	<p>RULE 58 : DISCIPLINARY PROCEDURE</p> <p>2. When a member of staff's written reply is received, or upon the expiration of the time allowed for reply, if it is considered that a prima facie case exists for disciplinary action, a report setting out the charge together with the member of staff's reply, if available, shall be forwarded through the hierarchical channels to the Secretary General on the recommendation of the Advisory Committee.</p>

<p>RULE 58(3):</p> <p>DISCIPLINARY PROCEDURE</p> <p>The Secretary General on the recommendation of the Advisory Committee shall within fifteen (15) working days, if he/she considers that there are grounds for disciplinary action, impose a written censure, as defined in Rule 56 or refer the matter to the Advisory Committee for advice before taking any other disciplinary measure.</p>	<p>Rule 58(3) is redundant as it provides for the possibility of the same professional misconduct being brought before the Advisory Committee twice. Nonetheless, the spirit of this Article is specifically reflected in the wording of Article 59-9. Therefore, the proposal is to strike it out altogether.</p>	<p>RULE 58(3):</p> <p>DISCIPLINARY PROCEDURE</p> <p>The Secretary General on the recommendation of the Advisory Committee shall within fifteen (15) working days, if he/she considers that there are grounds for disciplinary action, impose a written censure, as defined in Rule 56 or refer the matter to the Advisory Committee for advice before taking any other disciplinary measure.</p>
<p>ADVISORY COMMITTEE QUORUM FOR NON-DISCIPLINARY PROCEEDINGS</p>	<p>There is no provision setting the quorum for the Advisory Committee to deliberate on non-disciplinary matters. However, Rule 59-3 sets a quorum of 2/3 for the Advisory Committee to deliberate on disciplinary matters. There is need to also set the quorum for the Advisory Committee's deliberations on non-disciplinary matters.</p>	<p>RULE 59(3):</p> <p>ADVISORY COMMITTEE PROCEEDINGS</p> <p>A two-thirds quorum shall be required for the Advisory Committee to deliberate on all matters referred to it.</p>

<p>RULE 60(10): FUNCTIONING OF THE ADVISORY COMMITTEE IN DISCIPLINARY MATTERS</p> <p>Any member of staff aggrieved by the decision of the Advisory Committee may appeal to the Secretary General.</p>	<p>The following passage: “...<i>by the decision of the Advisory Committee...</i>” is inconsistent with the primary mandate of the Committee. Indeed, the Advisory Committee is not a decision-making body. Rather it makes recommendations as specified in Rule 27(1) of the Staff Rules and Regulations which, while establishing the Advisory Committee, notes that it is responsible for advising the Secretary General by way of opinions, suggestions and recommendations. This inconsistency should be rectified.</p>	<p>RULE 60(10): FUNCTIONING OF THE ADVISORY COMMITTEE IN DISCIPLINARY MATTERS</p> <p>Any member of staff aggrieved by the decision of the Advisory Committee may appeal to the Secretary General</p> <p>The proposal is to strike this provision, as its content is set out in greater detail in Rule 60(11), which reads as follows: “The disciplinary action taken by the Secretary General shall be notified forthwith to the staff member. It shall be subject to an internal administrative appeal within 24 hours of the notification, before the Secretary General who shall hear the appellant in the presence of the Assistant Secretary General.”</p>
<p>RULE 60(11): FUNCTIONING OF THE ADVISORY COMMITTEE IN DISCIPLINARY MATTERS</p> <p>The disciplinary action taken by the Secretary General shall be notified forthwith to the staff member. It shall be subject to an internal administrative appeal within 24 hours of the notification,</p>	<p>There is a clerical error in the French version of this provision. The English remains unchanged. There is a repetition of the word “<i>devant</i>” (meaning “before” in English).</p> <p>The repetition should therefore be deleted in the French version.</p> <p><i>(the error is only in the French version)</i></p> <p>In addition, it should be expressly stipulated that the notification must be in writing</p>	<p>RULE 60(11):</p> <p>FUNCTIONING OF THE ADVISORY COMMITTEE IN DISCIPLINARY MATTERS</p> <p>The disciplinary action taken by the Secretary General shall be notified in writing forthwith to the staff member. It shall be subject to an internal administrative appeal within 24 hours of the notification before the Secretary General, who shall hear the appellant in the presence of the Assistant Secretary General.</p>

<p>before the Secretary General who shall hear the appellant in the presence of the Assistant Secretary General.</p>		
<p>RULE 60(12):</p> <p>FUNCTIONING OF THE ADVISORY COMMITTEE IN DISCIPLINARY MATTERS</p> <p>A member of staff dissatisfied with the decision arrived in 11 above, may further appeal to the Chairperson of the Administrative Council.</p>	<p>There is a substantive error in this provision. It states that: "...the decision arrived in 11 above...". This wording is inaccurate, as no decision is taken in paragraph 11. Rule 60(12) simply refers to the decision taken pursuant to Rule 60(11). There is a need to rectify this inaccuracy.</p>	<p>RULE 60(12):</p> <p>FUNCTIONING OF THE ADVISORY COMMITTEE IN DISCIPLINARY MATTERS</p> <p>A member of staff who is still dissatisfied with the decision arrived at, pursuant to the provisions of paragraph 11 hereinabove, may lodge a further appeal to the Chairperson of the Administrative Council through the Secretary General.</p>

<p style="text-align: center;"><u>RULE 62</u></p> <p style="text-align: center;">LEAVING THE SERVICE</p> <p>The following are the means by which a member of staff may leave the employment of the Union:</p> <ul style="list-style-type: none"> (i) resignation; (ii) (iii) dismissal; (iv) death or permanent disability; (v) recall or end of secondment; (vi) retirement on attaining the maximum age of 62 years. 	<p>The terms dismissal and termination could bring confusion, given the definitions. As a reminder, Rule 65 of the PAPU Staff Rules and Regulations defines dismissal as an act by the Secretary-General to dismiss any staff member found guilty of any serious misconduct mentioned in Rule 55. It should, therefore, be deleted and replaced by "Revocation"</p> <p>Furthermore, "revocation" is missing in the cases of termination, which could be defined as an act of termination of employment relations at the initiative of the Union in certain cases, such as elimination of positions, need for retrenchment, etc.</p> <p>Finally, permanent disability is a cause for termination and not a form of termination of service. Consequently, it could be deleted in paragraph iv and considered as a new reason for separation from service entitled "Early retirement on medical grounds".</p>	<p style="text-align: center;">RULE 62</p> <p style="text-align: center;">LEAVING THE SERVICE TERMINATION</p> <p>The following are the ways a member of staff may leave the employment of the Union:</p> <ul style="list-style-type: none"> (i) Resignation; (ii) Dismissal; (iii) Dismissal Redundancy / abolition of office; (iv) Death or permanent disability; (v) Early retirement on medical grounds; (vi) Recall or end of secondment; (vii) Retirement on attaining the maximum age of 62 years. <p style="text-align: center;">RULE 1</p> <p style="text-align: center;">DEFINITIONS</p> <p>Termination: The severance of the employment relationship occasioned by an act of PAPU or of a staff member, or by the death of a staff member.</p>
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<p style="text-align: center;"><u>RULE 63</u></p> <p style="text-align: center;"><u>RESIGNATION</u></p> <p>A member of staff may resign by giving three (3) months' written notice to the Secretary General, if he has been appointed and confirmed in a position for at least one year, or one (1) month' notice if he holds a probationary appointment or a fixed-term appointment. The Secretary General may, however, on the recommendation of the Advisory Committee accept or reject a shorter notice.</p>	<p>The use of the term "... of at least one year" is confusing because according to these provisions, the notice period of three (03) months is required for any member of staff holding a contract of one year or more i.e., for members of staff who are on a fixed-term contract and those who are employed permanently. However, the same rule provides a one-month notice period for staff hired under a fixed-term contract.</p> <p>Furthermore, the Rule does not mention staff on temporary contracts and those who are on short-term contracts.</p> <p>These inconsistencies should, therefore, be corrected.</p>	<p style="text-align: center;">RULE 63</p> <p style="text-align: center;">RESIGNATION</p> <p>A member of staff may resign by giving three (3) months' written notice to the Secretary General, if he is on permanent appointment and confirmed in a position for at least one year or fixed-term appointment, or one (1) month' notice if he holds a probationary appointment, a short-term, a temporary appointment, or on secondment. The Secretary General may, however, on the recommendation of the Advisory Committee accept or reject a shorter notice.</p>
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<p style="text-align: center;"><u>RULE 64</u></p> <p style="text-align: center;"><u>TERMINATION</u></p> <p>The Secretary General may, on the recommendation of the Advisory Committee, terminate the appointment of a member of staff by giving him three months' written notice if he holds a permanent appointment or one month notice if he holds a fixed term or probationary appointment, subject to the following conditions:</p>	<p>Termination applies to all categories of PAPU staff. It is then necessary to add to this list, the staff on secondment, on temporary appointment, on short-term contracts.</p>	<p style="text-align: center;"><u>RULE 64</u></p> <p style="text-align: center;"><u>TERMINATION-DISMISSAL</u></p> <p>The Secretary General may, on the recommendation of the Advisory Committee, terminate the appointment of a member of staff by giving him three months' written notice if he holds a permanent appointment or fixed-term appointment, or one month notice if he holds a short term, probationary appointment, temporary appointment or on secondment subject to the following conditions:</p>
<p style="text-align: center;"><u>RULE 65</u></p> <p style="text-align: center;"><u>DISMISSAL</u></p> <p>The Secretary General may on the recommendation of the Advisory committee dismiss any member of staff who has been adjudged guilty of any of the offences listed in Rule 55. In the case of international staff the dismissal will be subject to the approval of the Administrative Council.</p>	<p>This provision confuses dismissal with Termination. Therefore, it is appropriate to replace it with Revocation and provide for the rights granted to the dismissed staff member.</p>	<p style="text-align: center;"><u>RULE 65</u></p> <p style="text-align: center;"><u>DISMISSAL REDUNDANCY / ABOLITION OF POSITION</u></p> <p>65-1. The Secretary-General may, upon recommendation of the Advisory Committee or approval of the Administrative Council as the case may be, terminate the functions of a staff member for one of the following reasons:</p> <p>- If the demands of the service require the abolition of the position occupied by the official;</p>

		<p>- If the demands of the service require a reduction in the number of staff;</p> <p><u>RULE 66</u></p> <p><u>EARLY RETIREMENT ON MEDICAL GROUNDS</u></p> <p>On the recommendation of the Advisory Committee or approval of the Administrative Council, as the case may be, the Secretary General may place a staff member on early retirement if, due to health reasons duly established by an occupational health physician acting under oath, he/she is unable to continue providing his services to the Union</p>
<p><u>RULE 66</u></p> <p>RECALL OR END OF SECONDMENT</p> <p>The disengagement of service of a member of staff member may result from:</p> <p>a) recall of the member of staff concerned by his country of origin;</p>	<p>No rights are provided in such cases. Also, paragraph b) refers to retirement, which is nevertheless covered by Rule 68.</p> <p>Furthermore, there is need to clearly provide for the following:</p> <ul style="list-style-type: none"> - possibility for a staff member to resign from service; - expiry of the secondment period as one of the reasons for ending secondment. 	<p><u>RULE 67</u></p> <p>RECALL OR END OF SECONDMENT</p> <p>The disengagement of service of a member of staff on secondment may be due to:</p> <p>a) recall of the seconded member of staff concerned by the sponsoring Member State;</p> <p>b) resignation</p> <p>c) expiration of secondment to the Union or retirement from.</p>

b) end of secondment to or retirement from the Union.		In the event of end of secondment, the staff member is entitled to benefits contained in the secondment contract:
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