



6 May 2005

Administrative instruction

Family leave, maternity leave and paternity leave

The Under-Secretary-General for Management, pursuant to section 4.2 of the Secretary-General's bulletin ST/SGB/1997/1 and for the purpose of implementing staff rules 105.2 and 106.3, 205.3 and 206.7 and General Assembly resolution 59/268 of 23 December 2004, hereby promulgates the following:

I. Family leave

Section 1

General

Family leave may be granted under staff rules 105.2 (a) (iii), 106.2 (c), 205.3 (a) (iii) and 206.3 (d), subject to the conditions set out below.

Section 2

Family leave under the uncertified sick leave entitlement

In cases of family-related emergencies, for which the entitlement to uncertified sick leave under staff rules 106.2 (c) and 206.3 (d) may be used, the staff member shall make every effort to inform his or her supervisor in advance of the proposed leave and of its duration; if this is not possible, the staff member shall provide the required information on the first day taken as emergency family leave.

Section 3

Adoption leave

3.1 The Secretary-General may, under staff rules 105.2 (a) (iii) *b* and 205.3 (a) (iii), grant special leave with full pay to a staff member who adopts a child subject to the following conditions:

(a) The staff member is expected by the Secretary-General to serve for at least one year after returning from such special leave, and

(b) The child is legally adopted or, in the case of customary or de facto adoption, may be recognized as a dependant of the staff member under the applicable rules. However, leave under this section shall not be granted when the child is a stepchild of the staff member, or when the child has previously been living

with the staff member for an extended period of time. Normally, the adopted child must be under the age of 18 years.

3.2 Special leave granted under this section shall be for a continuous period not exceeding eight weeks starting from the date of the adopted child's arrival in the adopting staff member's home.

3.3 When both adoptive parents are staff members and both request adoption leave, their combined periods of leave under this section may not exceed eight weeks. The periods of leave of each spouse may be taken concurrently or sequentially.

3.4 In accordance with staff rule 105.2, service credits for all entitlements shall accrue during the period of special leave with full pay under this section.

3.5 Staff members wishing to avail themselves of special leave under this section are required to submit a request for that purpose to their executive or local personnel office at least one month in advance of the date on which they anticipate the adoption to take place. The request must be accompanied by the following supporting documentation:

(a) The child's birth certificate, or, when it is impossible to obtain a birth certificate, other documentary evidence of the birth of the child satisfactory to the Secretary-General;

(b) When a child has been legally adopted, the staff member shall submit official documentary evidence that the child has been adopted in accordance with the relevant statutory provisions, or that the customary or de facto adoption of the child is formally recognized by prescribed court procedure;

(c) When legal adoption proceedings have been initiated but are not completed, the staff member shall submit official documentary evidence that an adoption proceeding has been initiated and that, pending completion of the proceeding, the child is being entrusted to the staff member's care. Once adoption formalities have been completed, official proof that adoption has taken place must be provided;

(d) In cases of customary or de facto adoption, the staff member shall be required to submit a statement from the appropriate national authorities that legal adoption is not possible because there is no statutory provision for adoption or prescribed court procedure for official recognition of customary or de facto adoption. Additionally, the staff member will be required to certify by affidavit or other appropriate formal statement that the child will be residing with him or her, and that he or she will assume the duties and obligations of a parent vis-à-vis the child. Once the child has arrived in the staff member's home, the staff member shall also submit evidence satisfactory to the Secretary-General that the child resides with the staff member and that a parental relationship has been established.

Section 4

Special leave without pay

Parental leave as special leave without pay under staff rule 105.2 for a newly born or adopted child

4.1 Special leave without pay for a period of up to two years may be granted as parental leave under staff rule 105.2 (a) (iii) *b* to a staff member who is the mother or the father of a newly born or adopted child, provided the staff member has a permanent appointment, or has completed three years of continuous service on a fixed-term appointment and is expected by the Secretary-General to continue in service for at least six months beyond the date of return from the proposed parental leave.

4.2 In exceptional circumstances, such as serious disability, injury or illness of the child, an additional leave period of special leave up to a maximum of two years may be granted. The staff member's request should be accompanied by a medical certificate attesting to the child's disability or illness. The executive or local personnel office shall consult with the Medical Director or designated medical officer regarding the acceptability of the certificate prior to granting the additional leave.

4.3. When both parents are staff members and both request special leave without pay under this section, the combined periods of leave may not exceed two years under section 4.1, or four years in the exceptional circumstances provided for in section 4.2.

4.4 Requests for parental leave as special leave without pay under this section should normally be submitted to the executive or local personnel office, through the supervisor, at least one month before the commencement of the proposed leave.

4.5 In order to ensure reabsorption of the staff member on return from leave under this section, his or her department or office shall ensure that a post is available at the appropriate level and with functions comparable to those discharged by the staff member before leave was taken. The department or office concerned may require the staff member to undertake training in order to facilitate his or her reabsorption.

Special leave in cases of death or emergency

4.6 In accordance with staff rules 105.2 (a) (iii) *c* and 205.3 (a) (iii), special leave without pay may be also granted upon the death of a member of the immediate family of the staff member, which includes a spouse, child, parent, brother or sister, or in case of serious family emergency. Such leave shall normally be granted for a period of up to two calendar weeks, plus necessary travel time, if applicable.

II. Maternity leave

Section 5

General

Maternity leave shall be granted under staff rules 106.3 (a) and 206.7 (a) in accordance with the provisions of the present instruction.

Section 6
Pre-delivery leave

6.1 Upon submission by the staff member of a certificate from a licensed medical practitioner or midwife indicating the expected date of delivery, the executive or local personnel office shall normally grant pre-delivery leave for a period of six weeks. Any questions or doubts as to the validity of the medical certificate shall be referred to the Medical Director or designated medical officer.

6.2 A shorter period may be granted at the request of the staff member, on the basis of a certification from a licensed medical practitioner or midwife, which must be approved by the Medical Director or designated medical officer, indicating that the staff member is fit to continue to work. Such a shorter period shall normally not be for less than two weeks.

6.3 A staff member who meets the requirements for a shorter period of pre-delivery leave under section 6.2 above may, at her request, be permitted to work part-time between the sixth and second week preceding the expected date of delivery. In such cases, the half days of absence shall be charged to the staff member's maternity leave entitlement.

6.4 If a period of less than six weeks of pre-delivery leave has been granted, or if the staff member is authorized to work part-time, and it later becomes apparent that the staff member is not fit to continue to work for any reason, the matter shall be referred to the Medical Director or designated medical officer by the executive or local personnel office. The staff member shall be required to commence her pre-delivery leave immediately when the Medical Director or designated medical officer determines that the staff member is not fit to continue to work.

Section 7
Post-delivery leave

7.1 On the basis of the birth certificate, post-delivery leave shall be granted for a period equivalent to the difference between 16 weeks and the actual period of pre-delivery leave. However, if owing to a miscalculation on the part of the medical practitioner or midwife, the pre-delivery leave was more than six weeks, the staff member shall be allowed post-delivery leave of no less than 10 weeks.

7.2 The executive or local personnel office shall establish the date of return to duty on the basis of section 7.1 above. At the request of the staff member, an earlier date of return to duty may be established, provided a minimum period of six weeks following delivery has elapsed.

Section 8
Relationship of maternity leave to other entitlements

Sick leave and annual leave

8.1 No sick leave shall be granted during maternity leave. Annual leave shall accrue during maternity leave and shall be credited on a monthly basis.

Extension of fixed-term appointments for utilization of maternity leave entitlement

8.2 Pregnant staff members on fixed-term appointments shall be considered for extension or conversion of their appointment under the same criteria as other staff. The fact that a staff member is or will be on maternity leave shall not be a factor in that consideration.

8.3 If, however, on the basis of considerations unrelated to the staff member's pregnancy, a decision is made not to offer a new fixed-term appointment and the current appointment is due to expire during the period of maternity leave, the appointment will be extended to cover the full duration of the leave. This provision shall not apply in cases where the fixed-term appointment expires more than six weeks before the anticipated date of delivery.

8.4 When an appointment is extended solely to enable a staff member to utilize her maternity leave entitlement under section 8.3 above, such extension shall not give rise to any further entitlement to salary increment, annual leave, sick leave or home leave, but credit towards repatriation grant may continue to accrue if the staff member has not returned to her home country. In the event of death during the period of the extension, the period prior to the staff member's death may be taken into account in the determination of the death benefit provided under staff rule 109.10 (a) (vi) or 209.11 (a) (v).

III. Paternity leave

Section 9

General

9.1 Paternity leave shall be granted under staff rules 106.3 (b) and 206.7 (b), and in accordance with the provisions of the present instruction.

9.2 Paternity leave shall be granted in respect of a child born on or after 23 December 2004, provided that the staff member was in service at the time of the birth, subject to the transitional measure set out in section 12.2 of the present instruction.

9.3 For the purposes of the present instruction, a "non-family duty station" means a special peacekeeping, political or humanitarian mission or a duty station where security phase III or above is in effect on the date of birth of the child.

Section 10

Paternity leave requests

10.1 A staff member wishing to avail himself of paternity leave is required to submit a request for paternity leave through the supervisor to the executive or local personnel office at least one month before the commencement of the proposed leave.

10.2 If the request for paternity leave is submitted after the birth of the child, it must be accompanied by a birth certificate. If the request is submitted prior to the birth of the child, it must be accompanied by a certificate from a licensed medical practitioner or midwife indicating the expected date of delivery and subsequently supplemented by a birth certificate.

10.3 The staff member may request paternity leave for a total period of up to four weeks or, in the case of an internationally recruited staff member serving at a non-family duty station, up to eight weeks. In exceptional circumstances, such as incapacity or death of the mother, inadequate medical facilities or medical complications encountered at time of pregnancy or after the birth, the staff member may request leave for a total period of up to eight weeks. Decisions regarding the adequacy of medical facilities at the duty station to address the medical condition of the mother or the existence of medical complications shall be made upon the recommendation of the authorized United Nations medical officer at the staff member's duty station.

10.4 Upon submission by the staff member of a request and the necessary documentation, the executive or local personnel office shall grant paternity leave.

10.5 The staff member may take the paternity leave either continuously or in separate periods up to the maximum entitlement during the year following the birth of the child, provided it is completed during that year. Where the mother is also a staff member, paternity leave may be taken either at the same time as post-delivery maternity leave or after the mother has returned to work.

10.6 The paternity leave entitlement may be used only once during each twelve-month period.

Section 11

Relationship of paternity leave to other entitlements

Sick leave and annual leave

11.1 No sick leave shall be granted during paternity leave. Annual leave shall accrue during paternity leave and shall be credited on a monthly basis.

Extension of fixed-term appointments for utilization of paternity leave entitlement

11.2 The fact that a staff member is or will be on paternity leave shall not be a factor in considering extension or conversion of appointment.

11.3 If, however, on the basis of considerations unrelated to the staff member's decision to take paternity leave, a decision is made not to offer a new fixed-term appointment and the current appointment is due to expire during the period of paternity leave, the appointment will be extended to cover the full duration of the leave.

11.4 When an appointment is extended solely to enable a staff member to utilize his paternity leave entitlement under section 11.3 above, such extension shall not give rise to any further entitlement to salary increment, annual leave, sick leave or home leave, but credit towards repatriation grant may continue to accrue if the staff member has not returned to his home country. In the event of death during the period of the extension, the period prior to the staff member's death may be taken into account in the determination of the death benefit provided under staff rule 109.10 (a) (vi) or 209.11 (a) (v).

Section 12
Final provisions

12.1 The present administrative instruction shall enter into force on 16 May 2005.

12.2 As a transitional measure, paternity leave shall be granted, upon the request of the staff member, in respect of a child who was less than one year old when General Assembly resolution 59/268 of 23 December 2004 was adopted, provided the leave is completed by 30 September 2005.

12.3 Administrative instructions ST/AI/1999/12 of 8 November 1999 and ST/AI/2002/7 of 24 October 2002 are hereby abolished.

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