



Administrative Instruction – Instruction administrative

Ref. ICC/AI/2017/002

Date: 17 February 2017

REST AND RECUPERATION

The Registrar, with the agreement of the President and the Prosecutor, pursuant to section 3.2 of Presidential Directive ICC/PRESG/2003/001 and for the purpose of implementing Staff Rule 112.3, hereby promulgates the following:

Section 1

Scope

1.1 The present Administrative Instruction shall be applicable to all internationally-recruited staff members of the Court, holding a fixed-term or short-term appointment.

Section 2

General Provisions

2.1 Staff members required to work for extended periods at duty stations under hazardous, stressful and difficult conditions shall be granted regular periods of rest and recuperation under the terms of the present Administrative Instruction, in order to protect their health and well-being and to ensure optimal work performance upon the resumption of their duties, while preserving the operational readiness of the Court. The purpose of rest and recuperation is to allow eligible staff members to take regular authorised time off to leave the duty station approved for rest and recuperation purposes in order to recover from the dangerous, stressful, isolated working and living conditions under which they serve. Rest and recuperation is not an additional annual leave entitlement or financial compensation for the degree of hardship and insecurity of a duty station.

Definitions

2.2 The following definitions apply for the purposes of the present Administrative Instruction:

- (a) Duty station approved for rest and recuperation purposes: a duty station approved by the United Nations - Office of Human Resources Management where staff members are authorised time off for rest and recuperation;
- (b) Rest and recuperation destination: a location that is designated by the Court to provide relief from an unstable and stressful environment and is conducive to rest; and
- (c) Assignment: a staff movement to a section, unit or office, with or without a change in duty station, for a limited period of time, during which the releasing section, unit or office remains responsible for reabsorbing the staff member.

2.3 The authorised time off for rest and recuperation shall consist of (5) five consecutive calendar days of authorised absence not charged to annual leave, plus actual travel time in each direction to and from the rest and recuperation destination. Rest and recuperation shall be granted once the conditions mentioned in Section 4 below have been met.

Eligibility

2.4 Internationally recruited staff members shall be eligible for rest and recuperation, provided they serve at duty stations approved for rest and recuperation purposes in accordance with Section 3 below. The benefit of rest and recuperation does not extend to family members who are authorised to be present at duty stations approved for rest and recuperation purposes.

Section 3

Approval of duty stations for rest and recuperation purposes

3.1 The Court follows the rest and recuperation framework, as established by the United Nations Office of Human Resources Management following inter-agency consultations, to determine, among other matters, the frequency of rest and recuperation, the designated duty stations, and destinations approved for this purpose. The approval of a duty station for rest and recuperation purposes shall be subject to periodic review. However, significant changes in the duty station environment may result in a determination between periodic reviews that the duty station should, or should no longer, be approved for rest and recuperation purposes.

3.2 Staff members shall be informed of the duty stations approved for rest and recuperation purposes and of the effective date of that approval.¹

3.3 Staff members already present at a duty station newly approved for rest and recuperation purposes shall begin to accrue qualifying service from the effective date of the approval.

¹ The [list of duty stations approved for rest and recuperation](#) purposes is published in an information circular, currently ST/IC/2016/20, available on the website of the United Nations Office of Human Resources Management.

3.4 Should the approval of a duty station for rest and recuperation purposes be withdrawn, staff members, having served the applicable period of qualifying service as at the effective date of the cessation, may avail themselves of rest and recuperation within one month, as provided in Section 4.11 below. There shall be no prorating of the rest and recuperation benefit where a staff member has served less than the required period of qualifying service, as at the effective date of the cessation.

Section 4

Rest and Recuperation conditions

Frequency

4.1 Staff members shall be authorised time off for rest and recuperation purposes after a period of qualifying service, as determined by the United Nations Office of Human Resources Management following inter-agency consultations. The Annex to the present Administrative Instruction provides the generic framework for the granting of rest and recuperation travel and determination of its frequency.

4.2 The duration of the period of qualifying service may be adjusted by the United Nations Office of Human Resources Management should security or severe hardship conditions improve or deteriorate at specific duty stations.

4.3 Rest and recuperation shall not be granted during the last month of service at a duty station approved for rest and recuperation purposes, subject to Section 4.11 (c) below.

Qualifying service

4.4 In order to be granted time off for rest and recuperation, service at a duty station approved for rest and recuperation purposes must be uninterrupted. The occurrence of any of the following shall interrupt the qualifying service:

- (a) Travel on official business outside the duty station, including travel for training purposes, if the eligible individual takes more than three days of annual or special leave in conjunction with official travel;
- (b) Absence from the duty station on family visit travel, home leave, sick leave, emergency leave, special leave or annual leave for more than three working days, consecutive or otherwise.

4.5 The period of qualifying service shall run from the date of arrival of the staff member at the duty station, or from the date of return to such a duty station after an interruption of qualifying service, or from the date of return to such a duty station after a period of rest and recuperation.

4.6 When qualifying service has been interrupted, such service accrued before the interruption shall be forfeited and a new period shall begin upon the staff member's return to the duty station approved for rest and recuperation purposes.

4.7 Qualifying service shall be considered suspended when an eligible staff member travels on official business outside the duty station, including travel for training purposes, to a duty station that is not approved for rest and recuperation purposes. The period of qualifying service will resume from the date of return to the duty station approved for rest and recuperation purposes.

4.8 Qualifying service shall not be considered interrupted or suspended when:

- (a) an eligible staff member travels on official business outside the duty station, including travel for training purposes, to a duty station approved for rest and recuperation purposes. In such a case, the qualifying service will continue to accrue while the individual is on official business;
- (b) an eligible staff member is transferred or reassigned from one duty station approved for rest and recuperation purposes to another such duty station, without availing himself or herself of leave. In such a case, qualifying service accrued at the first duty station may be carried forward for the purpose of calculating the overall qualifying service for rest and recuperation purposes.

Duration of rest and recuperation absence from the duty station and combination with other types of authorised absence

4.9 Rest and recuperation is granted for five consecutive calendar days not charged to annual leave, in addition to the actual travel time to the designated rest and recuperation destination.

4.10 Subject to exigencies of service, rest and recuperation may be taken in conjunction with:

- (a) Official holidays;
- (b) Annual leave, except when such leave is taken for home leave or family visit travel, as provided in Section 4.11(a) below. Where rest and recuperation is combined with annual leave, any illness occurring during the period of annual leave shall be subject to the provisions of Staff Rule 106.4(f);
- (c) Certified sick leave, subject to the appropriate medical certification;
- (d) Travel on official business, subject to the following:
 - (i) When staff members are permitted to combine rest and recuperation with travel on official business for their personal convenience, any additional costs above the normal entitlement in respect of the official business travel shall be borne by the staff members;
 - (ii) The Court shall not be responsible for any additional expenses or liabilities that may be incurred as a result of combining rest and recuperation with travel on official business, including any costs incurred in connection with delays, ticket changes, cancellations or fare increases.

4.11 Notwithstanding Section 4.4(b), rest and recuperation may not be combined with any of the following:

- (a) Travel on home leave, family visit or return travel in relation to an education grant. Should such a combination occur after the approval or commencement of rest and recuperation, all days previously authorised as rest and recuperation shall be charged to annual leave;
- (b) Maternity leave, other parent leave, adoption leave or uncertified sick leave. Should such a combination occur after the approval or commencement of rest and recuperation, all days previously authorised as rest and recuperation shall be charged to annual leave or other leave, as appropriate;
- (c) Travel on departure from the duty station approved for rest and recuperation purposes at the end of the staff member's appointment or assignment, unless he or she is transferred or reassigned to another duty station approved for rest and recuperation purposes under Section 3 above, and subject to the staff member not taking any leave.

Timing of rest and recuperation

4.12 In order to achieve its purpose, rest and recuperation must be taken within one month following the completion of the period of qualifying service and shall be forfeited if the staff member elects not to take it within the prescribed period. Should exigencies of service, as determined by the Chief of the Field Office or the Chief of Section, where applicable, make it impossible for a staff member to take rest and recuperation within the prescribed period, it may be taken during the following month on an exceptional basis. A new period of qualifying service shall begin upon the staff member's return to the duty station.

4.13 Rest and recuperation may not be taken in advance, carried forward from one qualifying period to the next or combined with subsequent rest and recuperation periods.

4.14 In view of the strict constraints on the times during which rest and recuperation may be taken, the Chief of the Field Office, or the Chief of Section, where applicable, shall plan the allocation of human resources accordingly to cover for the period of the staff member's absence while on rest and recuperation. In particular, the Chief of the Field Office, or the Chief of Section, where applicable, shall make the necessary arrangements to ensure that:

- (a) Eligible staff members are able to avail themselves, at the appropriate intervals, of their rest and recuperation benefit;
- (b) The office is appropriately covered within existing resources during the period of the eligible individual's absence on rest and recuperation.

Rest and recuperation destinations

4.15 Rest and recuperation shall be taken outside the duty station approved for rest and recuperation purposes.

4.16 The Court's designation of rest and recuperation destinations takes into consideration the availability of United Nations transportation. Eligible staff members may, however, travel to any location in accordance with Sections 4.17 and 4.20.

Transportation

4.17 The Court shall pay for the cost of travel in the lowest fare, economy class, by the most economical and direct route from the duty station approved for rest and recuperation purposes to the designated rest and recuperation destination. The Court may purchase the ticket or provide a lump sum payment equivalent to the cost of the air ticket the Court would have otherwise purchased had the staff member travelled to the designated rest and recuperation destination.

4.18 Staff members shall use United Nations transportation, when available, in the duty station approved for rest and recuperation, subject to the agreement of the provision of such services by the United Nations. In such cases, no payment for travel costs will be paid by the Court to the staff members. There will be no payment for travel costs should a staff member choose for his or her own convenience to travel on a date when United Nations transportation is not available.

4.19 In cases where rest and recuperation is combined with travel on official business, daily subsistence allowance and terminal expenses are not payable for continuation of travel on rest and recuperation.

4.20 Regardless of the destination chosen by the eligible staff member to rest and recuperate, which may be different from the designated rest and recuperation destination, the Court's financial responsibility shall be limited to the transportation costs as indicated in Sections 4.17 and 4.18 above.

4.21 Notwithstanding Section 4.18, if the Court has designated two rest and recuperation destinations and a lump sum payment is provided in lieu of purchasing a ticket, the Court will determine the lump sum amount applicable for each rest and recuperation destination. If the lump sum amounts vary, the Court shall provide the lower of the two lump sum amounts. The higher of the two lump sum amounts shall only be payable upon the staff member's request; he or she must provide proof of travel to the rest and recuperation destination for which the higher amount is applicable.

4.22 Transportation or payment for travel costs shall not be provided to family members who are authorized to be present at duty stations approved for rest and recuperation purposes.

Relationship of rest and recuperation with other entitlements

4.23 Staff members shall retain their pay status while on rest and recuperation. Regardless of whether the transportation is provided by the United Nations, daily subsistence allowance and terminal expenses are not payable while the staff member is on rest and recuperation.

4.24 Rest and recuperation does not affect the periodicity or accrual of travel or leave entitlements. However, travel on home leave, family visit or reverse education grant shall not be authorized until at least one month after the staff member's return from rest and recuperation.

4.25 No overtime or compensatory time off shall be granted to internationally recruited staff members at duty stations approved for rest and recuperation purposes.

Section 5

Review

5.1 This Administrative Instruction shall be reviewed if the rest and recuperation framework, as established by the United Nations Office of Human Resources Management, is modified

Section 6

Transitional measures for staff members serving in Kinshasa

6.1 Since 1 July 2015, Kinshasa is no longer included in the list of duty stations approved for rest and recuperation purposes.² Nevertheless, the Court decided to maintain the rest and recuperation cycle in respect of Kinshasa, which continued to be granted every twelve (12) weeks.

6.2 Transitional rest and recuperation measures will apply to internationally recruited staff members appointed and assigned to serve in Kinshasa prior to 1 January 2017, subject to the conditions set out below.

6.3 The rest and recuperation cycle with respect to Kinshasa shall continue to be of twelve (12) weeks and applicable to internationally recruited staff members for the period between 1 January and 31 December 2017. This transitional measure will be discontinued as of 1 January 2018.


6.4 The rest and recuperation destination designated for Kinshasa shall be Entebbe. Staff members in Kinshasa shall use United Nations transportation to travel to and from Entebbe. Therefore, no payment for travel costs will be paid to staff members by the Court.

6.5 All other terms and conditions set out in Section 4 shall apply *mutatis mutandis*.

Section 7

Final Provision

7.1 The present Administrative Instruction shall enter into force on 17 February 2017 and shall have retroactive effect as of 1 January 2017.


Herman von Hebel
Registrar

² List of duty stations approved for rest and recuperation purposes published in 2015 as information circular ST/IC/2015/15