

Annex XI: Amendments to the provisions of the AGHR pertaining to parental leave, maternity leave and adoption leave

Section A: Principles of Staff Employment

Principle 06 - Compensation

Current text:

6.2 With these objectives in view, the Fund shall:

[...]

(d) Establish and maintain programmes to promote the health and well-being of staff members and to provide financial protection and assistance for staff members and their families, including but not limited to annual, maternity and sick leave, coverage for medical and hospitalization expenses, accidents and loss of life, and provisions for retirement through lump sum or periodic payments;

Amended text:

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IV.

Section D.II 5.2 (i)

Current text:

(i) Family Leave:

(i) Types of Family Leave:

Staff members may be granted the following types of family leave:

- 1) Family leave to support a sick close relative; and
- 2) Parental leave in connection with:
 - The delivery of a child by the recognized spouse or domestic partner;
 - Adoption of a child under 16 years of age where the staff member is not the primary caregiver.

Staff may claim parental leave for a maximum of four (4) occasions.

- (ii) Staff members will be allowed to take family leave at the duty station in two hour or ½ day increments up to an equivalent of 40 hours or five days of family leave in a calendar year, deducted from the sick leave balance. Family leave of more than four hours but less than eight hours will be counted as one day;

Annual leave may not be converted to family leave except for instances mentioned below and in the Appendix;

Family / parental leave must generally be taken at the duty station only. However, the Director, Support Services may authorize staff members to take family leave outside the duty station,

- 1) If the staff member submits evidence that s/he needs to provide care for a critically ill close relative residing outside of the duty station;
- 2) Or to accompany a close relative residing with the staff member for medical treatment outside the duty station; or
- 3) If the staff member's newborn child is born outside the duty station.

Procedures for applying for family leave at the duty station and outside the duty station and for conversion of annual leave to family leave are set out in the Appendix.

Amended text:

(i) Family Leave

- (i) Staff members may be granted family leave to support a sick close relative.

- (ii) Staff members will be allowed to take family leave at the duty station in two hour or ½ day increments up to an equivalent of 40 hours or five days of family leave in a calendar year, deducted from the sick leave balance. Family leave of more than four hours but less than eight hours will be counted as one day;

(ii)

Annual leave may not be converted to family leave except for instances mentioned below and in the Appendix;

Family leave must generally be taken at the duty station only. However Director, Support Services may authorize staff members to take family leave outside the duty station,

- 1) If the staff member submits evidence that s/he needs to provide care for a critically ill close relative residing outside of the duty station;

- 2) Or to accompany a close relative residing with the staff member for medical treatment outside the duty station; or

- 3) If the staff member's newborn child is born outside the duty station.

Procedures for applying for family leave at the duty station and outside the duty station and for conversion of annual leave to family leave are set out in the Appendix.

Section D.II 5.3

Current text:

5.3 Maternity Leave/Extended Maternity Leave

(a) General

(i) "Maternity leave" is absence from duty with pay granted to a female staff member in connection with her pregnancy, the delivery of her child and to take care of the newborn.

(ii) "Extended maternity leave" is continued absence from duty without pay granted to a female staff member after paid maternity leave entitlement has been used. Benefits to which the female staff member is entitled will continue during the extended maternity leave.

(b) Eligibility

(i) Female staff members on regular or fixed term appointments are eligible for maternity leave.

(ii) Unused maternity leave, extended maternity leave and miscarriage leave cannot be commuted into cash.

(c) Duration and Other Stipulations

(i) Maternity leave will be granted for up to a maximum of 12 consecutive calendar weeks (including Saturdays, Sundays and holidays) for live births commencing on the actual delivery

date. It may also start as early as six (6) consecutive calendar weeks before the expected delivery date at the staff member's option or if certified by the attending physician. Absence exceeding the 12 calendar weeks' entitlement may be covered by annual leave, if available, or staff members may request extended maternity leave without pay of no more than 12 calendar weeks. The procedures for applying for maternity leave and extended maternity leave are set out in the Appendix;

(ii) For staff members who avail of maternity leave and extended maternity leave during their probationary period, the probationary period will be extended by the number of weeks taken for maternity leave and extended maternity leave;

(iii) Salary and allowances (net of applicable deductions) will be payable for up to three (3) deliveries.

A staff member who needs maternity leave for additional pregnancies will be given maternity leave without pay, unless sick and annual leave credits are available to cover all or part of such absence. Sick leave will be utilized first prior to annual leave.

(d) Sick Leave in Connection with Maternity Leave

(i) Sick leave may not be used during maternity leave.

(ii) Sick leave may be taken for maternity related illness, injury, examination or treatment prior to the delivery of the staff member's child.

(iii) Sick leave immediately after the maternity leave has ended may also be granted if the attending physician certifies that the staff member is not fit to return to duty.

(iv) In both cases (ii) and (iii) above, the Fund may seek the opinion of a Medical Referee for an independent assessment of the need for and the appropriate duration of such leave.

(e) Miscarriage/Still Birth

(i) In the event of a miscarriage or abortion of a foetus less than 28 weeks old, a staff member is entitled to up to two (2) consecutive calendar weeks' leave (including Saturdays, Sundays and holidays) at full salary and allowances (net of applicable deductions). The Fund may seek the opinion of a Medical Referee for an independent assessment of the need for and appropriate duration of miscarriage leave. There is no limit to the number of times that miscarriage leave may be taken.

(ii) For stillbirths and death of newborn babies, maternity leave will be provided for six (6) consecutive calendar weeks.

(iii) Procedures for applying for miscarriages/still birth leave are set out in the Appendix

Amended text:

5.3 Parental Leave/Extended Parental Leave

(a) General

(i) "Parental leave" is absence from duty with pay granted to a staff member, either:

- in connection with their pregnancy, the delivery of their child and to take care of the newborn; or
- to assume custody of an adopted child or children up to age 16, provided the adoption is valid under the laws of the country in which the adoption took place and the laws in the home country of the staff member, for the purpose of enabling the staff member and the adoptee(s) to adjust psychologically and emotionally to each other and establish a bonding relationship.

(ii) "Extended parental leave" is continued absence from duty without pay granted to a staff member after paid parental leave entitlement has been used.

(iii) Where both parents are employed by the Fund and eligible for parental leave, they must jointly inform OHR which parent will be the primary caregiver.

(b) Eligibility

- (i) Staff members on fixed term appointments are eligible for parental leave.
 - (ii) Unused parental leave cannot be commuted into cash or carried-over into another application of parental leave.
- (c) Duration and Other Stipulations
- (i) Parental leave for primary caregivers will be granted for up to a maximum of sixteen (16) consecutive calendar weeks.
 - (ii) Parental leave for secondary caregivers will be granted for up to a maximum of four (4) calendar weeks, to be taken within 180 days of the date of birth or placement.
 - (iii) Parental leave may start as early as six (6) consecutive calendar weeks before the expected delivery date for live births at the staff member's option or if certified by the attending physician. In case of adoption, parental leave will commence on the actual date of adoption.
 - (iv) When absence from work exceeds the parental leave entitlement, any such absence must be covered by annual leave, if available, or staff members may request extended parental leave without pay of no more than 12 calendar weeks.
 - (v) The procedures for applying for parental leave and extended parental leave are set out in the Appendix 1.
 - (vi) For staff members who avail of parental leave and extended parental leave during their probationary period, the probationary period will be extended by the number of days taken for parental leave and extended parental leave.
 - (vii) Parental leave will be provided for up to three (3) deliveries and/or adoptions.
 - (viii) A staff member who needs parental leave for additional pregnancies or adoptions will be given leave without pay, unless sick and annual leave credits are available to cover all or part of such absence. Sick leave will be utilized first prior to annual leave.
- (d) Sick Leave in Connection with Parental Leave
- (i) Sick leave may not be used during parental leave.

- (ii) Sick leave may be taken for maternity-related illness, injury, examination or treatment prior to the delivery of the staff member's child.
 - (iii) Sick leave immediately after the parental leave has ended may also be granted if the attending physician certifies that the staff member is not fit to return to duty.
 - (iv) In both cases (ii) and (iii) above, the Fund may seek the opinion of a Medical Referee for an independent assessment of the need for and the appropriate duration of such leave.
- (d) Miscarriage / Still Birth / Non-finalized adoption
- (i) In the event of a miscarriage or abortion of a fetus less than 28 weeks old, a staff member is entitled to up to two (2) consecutive calendar weeks' leave (including Saturdays, Sundays and holidays) at full salary and allowances (net of applicable deductions). The Fund may seek the opinion of a Medical Referee for an independent assessment of the need for and appropriate duration of miscarriage leave. There is no limit to the number of times that miscarriage leave may be taken.
 - (ii) For stillbirths and death of newborn babies, parental leave will be provided for six (6) consecutive calendar weeks. Procedures for applying for miscarriages/still birth leave are set out in Appendix 1.

Current Text

5.4 Adoption Leave

(a) General

(i) "Adoption Leave" (ADL) is absence from duty with pay and benefits to assume custody of an adopted child up to age 16. It is provided to enable the staff member and the adoptee to adjust psychologically and emotionally to each other and establish a bonding relationship.

(ii) ADL will normally commence as soon as the staff member is granted custody of the adoptee. For the purpose of ADL only, the time of adoption is the date that the adoptee is placed in the home of the adopted parents.

In the event of adoption, the adoption must be valid under the laws of the country in which the adoption took place and the laws in the home country of the staff member. Once this

requirement is complied with, ADL may commence on the date custody is assumed by the staff member as indicated in the document issued by a competent authority in the country where the adoption took place.

(b) Duration

ADL will be granted for up to a maximum of:

- (i) Ten (10) calendar weeks for the adoption of a child under five (5) years of age at the time of adoption;
- (ii) Two (2) calendar weeks for the adoption of a child age five (5) to 16 at the time of adoption.

(c) Extended Adoption Leave (EADL)

When absence from work exceeds the ADL entitlement, any such absence must be covered by annual leave, or staff members may request extended adoption leave without pay of no more than another applicable ADL entitlement (i.e. ten or two calendar weeks).

(d) Exclusion

ADL will not be granted for the adoption of a relative within the fourth degree of consanguinity.

(e) Other Conditions

- (i) ADL must be taken in one continuous period;
- (ii) Sick leave may not be granted during ADL;
- (iii) ADL entitlement is included in the maximum three maternity leave entitlements during a staff member's employment in the Fund;
- (iv) A staff member will be granted one ADL for each adoption process, regardless of the number of adoptees in a single adoption process;
- (v) ADL will cease in the following cases and any ADL already taken will be counted as one entitlement:
 - 1) The expected adoption is not finalized and the child is no longer in the adoptive parent/s' custody; and

2) The staff member voluntarily reported for work without completing the ADL.

(vi) To be eligible for ADL, the staff member must be the primary caregiver. Where both adoptive parents are employed by the Fund, the total duration of the combined paid leave of both parents will be limited to the entitlements of one staff member, indicated in paragraph 5.4 (b) above, plus the entitlement to parental leave (paragraph 5.2 (i)(2));

(vii) ADL must be taken within 180 days of the date of placement;

(viii) Staff members who take ADL and EADL during their probationary period will have their probationary period extended by the number of weeks taken for ADL and EADL.

(f) Other exceptional justifiable cases will be decided by the Director, Support Services.

(g) The procedures for applying for ADL and EADL are set out in the Appendix.

Amended Text

5.4 [Deleted]

Appendix 1 Implementing Guidelines on Leave

Current text:

1.1 General

Leave applications for the following types of leave must be filed through the Leave Management System (LMS):

- (a) Annual Leave (Including Home Leave):
 - (i) Sick leave at the duty station;
 - (ii) Family/parental leave at the duty station;
 - (iii) Occasional absence;
 - (iv) Discretionary time off; and
 - (v) Advance annual leave up to 10 days.

- (b) For the following types of leave, a memo must be submitted:
- (i) Additional sick leave;
 - (ii) Sick leave of family leave outside the duty station;
 - (iii) Conversion of annual leave to sick leave / family leave or emergency leave;
 - (iv) Maternity / extended maternity leave;
 - (v) Adoption / extended adoption leave;
 - (vi) Miscarriage leave;
 - (vii) Emergency leave without travel;
 - (viii) Expanded Discretionary Time Off (EDTO);
 - (ix) Administrative leave; and
 - (x) Special leave with or without pay.
- (c) Leave applications will be endorsed and approved by the approving authorities.

Amended text:

Section 1.1 General

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- (a) Annual Leave (Including Home Leave):
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 - (iv) Discretionary time off; and
 - (v) Advance annual leave up to 10 days.

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- (b) For the following types of leave, a memo must be submitted:
- (i) Additional sick leave;
 - (ii) Sick leave or family leave outside the duty station;
 - (iii) Conversion of annual leave to sick leave / family leave or emergency leave;
 - (iv) Parental / extended parental leave;
 - (v) [Deleted]
 - (vi) Miscarriage leave;
 - (vii) Emergency leave without travel;
 - (viii) Expanded Discretionary Time Off (EDTO);
 - (ix) Administrative leave; and
 - (x) Special leave with or without pay.
- (c) Leave applications will be endorsed and approved by the approving authorities.

Current text:

Section 1.2(c) Maternity Leave (ML) / Extended Maternity Leave (EML)

(i) A Leave Application form for ML must be initiated as early as possible. The Leave Application must be supported by a medical certificate provided by the attending physician stating the expected date of delivery.

(ii) As soon as possible, the staff member must submit the Notification for Change in Leave Status form to the leave approving authority, indicating the actual leave dates together with a copy of the child's birth certificate.

(iii) An application/request for EML must be discussed with the staff member's immediate supervisor(s) and submitted no later than 4 weeks in advance of the last day of ML to facilitate arrangement for coverage of the duties of the staff member for the duration of her EML. A duly completed Leave Application form endorsed by the Divisions/Offices must be forwarded to Director, the Support Services for approval.

(iv) Since EML is unpaid, a staff member may elect to first use her earned annual leave credits after ML and before EML, provided that the annual leave and EML taken does not exceed a period of 12 calendar weeks. The staff member must inform her immediate supervisor(s) of the intended duration of her absence, including the number of annual leave days to be taken, which will be recorded on LMS.

(v) Staff members on EML will not be paid the basic salary but are entitled to all other benefits and allowances. Annual leave and other types of leave will be accrued and EML period is counted as service with the Fund.

(vi) As there will be no pay from which to deduct, staff members required to make contributions to the SRP must pay their contribution for the duration of EML within 15 days upon return from EML. The Fund's corresponding contribution will be deducted from pay in the next payroll following the return from EML. If the staff member does not pay the required staff contribution during the EML, the period of EML will be deducted from eligible service.

(vii) The staff's share of premiums due for insurance plans under which s/he will remain covered such as Additional Group Life Insurance Plan, Group Disability Plan, Group Medical Insurance Plan (GMIP), Dependents' Life and Disability Insurance Plan, and Long-Term Care Insurance Plan, will be deducted from pay upon return of the staff from EML.

(viii) Use of annual leave and/or EML after paid ML is intended to be on full-time basis only. Staff members may not take ½ day annual leave or part-time EML in order to prolong the duration of the leave for any reasons. Exceptional cases will be considered individually.

Amended text:

1.2(c) Parental Leave (PL) / Extended Parental Leave (EPL)

- (i) A Leave Application form for PL must be initiated as early as possible. The Leave Application must be supported by a medical certificate provided by the attending physician stating the expected date of delivery.
- (ii) As soon as possible, the staff member must submit the Notification for Change in Leave Status form to the leave approving authority, indicating the actual leave dates together with a copy of the child's birth certificate.

- (iii) An application/request for EPL must be discussed with the staff member's immediate supervisor(s) and submitted no later than 4 weeks in advance of the last day of PL to facilitate arrangement for coverage of the duties of the staff member for the duration of their EPL. A duly completed Leave Application form endorsed by the Divisions/Offices must be forwarded to the Director, Support Services for approval.
- (iv) Since EPL is unpaid, a staff member may elect to first use their earned annual leave credits after PL and before EPL, provided that the annual leave and EPL taken does not exceed a period of 12 calendar weeks. The staff member must inform their immediate supervisor(s) of the intended duration of their absence, including the number of annual leave days to be taken, which will be recorded on LMS.
- (v) Staff members on EPL will not be paid the basic salary but are entitled to all other benefits and allowances. Annual leave and other types of leave will be accrued and EPL period is counted as service with the Fund.
- (vi) As there will be no pay from which to deduct, staff members required to make contributions to the SRP must pay their contribution for the duration of EPL within 15 days upon return from EPL. The Fund's corresponding contribution will be deducted from pay in the next payroll following the return from EPL. If the staff member does not pay the required staff contribution during the EPL, the period of EPL will be deducted from eligible service.
- (vii) The staff member's share of premiums due for insurance plans under which they will remain covered such as Additional Group Life Insurance Plan, Group Disability Plan, Group Medical Insurance Plan (GMIP), and Dependents' Life and Disability Insurance Plan, will be deducted from pay upon return of the staff from extended parental leave.
- (viii) Use of annual leave and/or EPL after paid PL is intended to be on full-time basis only. Staff members may not take ½ day annual leave or part-time EPL in order to prolong the duration of the leave for any reasons. Exceptional cases will be considered individually.

Appendix 2: Guidelines on Approval of Leave Requiring Medical Certificates

Current text:

1.1 Medical Certificates

A medical certificate attesting to the condition, justifying leave, must be submitted for the following:

- (a) Sick leave for more than three (3) consecutive working days;

- (b) Sick leave of eight (8) or more non-consecutive working days in a three-week period;
- (c) Sick leave outside the duty station;
- (d) Sick leave immediately before or after annual leave;
- (e) Maternity leave;
- (f) Miscarriage leave;
- (g) Family leave outside the duty station; and
- (h) Conversion of annual leave to sick leave or family leave regardless of the number of leave days.

Amended text:

A medical certificate attesting to the condition, justifying leave, must be submitted for the following:

- (a) Sick leave for more than three (3) consecutive working days;
- (b) Sick leave of eight (8) or more non-consecutive working days in a three-week period;
- (c) Sick leave outside the duty station;
- (d) Sick leave immediately before or after annual leave;
- (e) Parental leave;
- (f) Miscarriage leave;
- (g) Family leave outside the duty station; and
- (h) Conversion of annual leave to sick leave or family leave regardless of the number of leave days.