



Internal Oversight Division

Reference: IOD-INV-2022-10

Management Implication Report

on

Obligations applying to staff members with regard to residence in the duty station area

January 19, 2023

1. FACTS

1. During recent investigative activities, the Internal Oversight Division (IOD) identified staff members who did not reside in the Geneva area although posted at WIPO headquarters.
2. Specifically, teleworking was introduced at WIPO as an alternative working arrangement at the beginning of the Covid-19 pandemic crisis, in March 2020. Teleworking was then introduced as a flexible work arrangement (FWA) in March 2022. Staff members who are allowed to telework on a regular basis as an FWA can generally limit their physical presence in office to two days per week. IOD found that staff members might use this arrangement as an opportunity to exempt themselves from maintaining any fixed address in the duty station area, and travel to Geneva only on an *ad hoc* basis whenever their presence in office is required, using temporary accommodation means such as hotels.
3. It was particularly noted that some staff members, recruited during the pandemic, joined the Organization while remaining settled in their home countries.

2. ISSUES

4. A situation where a staff member posted at WIPO headquarters resides outside the Geneva area may induce risks and issues such as the following:
 - (a) The staff member may be provided with a legitimation card from the host country, and be enjoying benefits, advantages, privileges and/or immunities attached to local residency status, in contravention to national laws and rules; and
 - (b) The staff member may have enjoyed, or be enjoying, remuneration and/or benefits to which they may not be entitled and/or which may be inconsistent with the purpose and intent of these benefits. These may include, among other things, post adjustment at Geneva rate and relocation, settling-in and education grants for staff in the Professional and higher categories, as well as local salary and allowances for staff in the General Service and National Professional Officer categories.

3. RECOMMENDATIONS

5. In view of the foregoing, IOD recommends the following:

Recommendation

1. The Human Resources Management Department (HRMD), in consultation with the Office of the Legal Counsel (OLC), should review policies and procedures to (i) clarify obligations applying to staff members with regard to residence in the duty station area; and (ii) determine whether amendments are required regarding entitlement to benefits, which depend on a staff member's place of residence.

(Importance: High)

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Approved by: Rajesh Singh, Director, Internal Oversight Division

TABLE OF RECOMMENDATIONS

No.	Recommendation	Priority	Responsible unit/manager	Deadline for implementation	Management comments and action plan
1	<p>The Human Resources Management Department (HRMD), in consultation with the Office of the Legal Counsel (OLC), should review policies and procedures to (i) clarify obligations applying to staff members with regard to residence in the duty station area; and (ii) determine whether amendments are required regarding entitlement to benefits, which depend on a staff member's place of residence.</p> <p>(Importance: High)</p>	High	<p>Director, HRMD Deputy Legal Counsel, OLC</p>	September 30, 2023	<p>(i) The policy on teleworking will be revised in the course of 2023 to set a limit on the possibility to telework from outside the duty station. The principle has already been agreed with the DG and Sector Leads. The specific limit is yet to be decided. By setting such a limit, the Organization will in effect require employees to establish their primary residence within the area of the duty station. It is planned that the revised policy will enter into force in September 2023.</p> <p>(ii) HRMD, in consultation with OLC, will review the Staff Regulations and Rules to determine whether amendments are required. If so, these amendments will be implemented in 2023 or in 2024. The actual date will depend on whether the amendments require the CoCo's prior approval and whether there is sufficient time to finalize them before the CoCo's 2023 ordinary session (6-14 July 2023).</p>