



Administrative Instruction – Instruction Administrative

Ref. ICC/AI/2022/004

Date: 14 September 2022

Flexible Working Arrangements

The Registrar with the consent of the President and the Prosecutor, pursuant to sections 3.2 and 3.3 of the [Presidential Directive on Procedures for the Promulgation of Administrative Issuances](#) and for the purpose of establishing flexible working arrangements, hereby promulgates the following:

Section 1

Purpose and scope

- 1.1 This administrative instruction establishes the conditions under which staff members of the International Criminal Court (“the Court”) may benefit from flexible working arrangements leading to a better work-life balance. The Court hereby recognizes the importance of flexible working arrangements in balancing the demands on staff while at work with life outside the office.
- 1.2 This administrative instruction applies to all staff members holding a fixed-term or a short-term appointment, subject to the conditions described below.

Section 2

General Provisions

- 2.1 Subject to the conditions set out in this administrative instruction, the following flexible working arrangements are available to staff members: (i) Flexible working schedule; (ii) Compressed working schedule; (iii) Remote working; and (iv) Scheduled breaks for outside

learning activities. Flexible working arrangements can be combined. Such combination is subject to the approval of the immediate supervisor or the head of organ, division or section, as appropriate.

- 2.2 The regular working hours of the Court at its headquarters, i.e. from 9:00 to 17:30 from Monday to Friday, with a one-hour mandatory lunch break, or at its respective country offices, shall be observed, unless the staff member is working on a part-time basis or a specific flexible working arrangement is agreed in accordance with this administrative instruction.
- 2.3 All flexible working arrangements require careful planning and preparation on the part of all concerned. While there is no entitlement or vested right to flexible working arrangements, arrangements are in line with the efforts of the Court to be responsive and inclusive and achieve gender parity, and therefore should be viewed favourably as a useful tool by staff and supervisors alike, where exigencies of service allow. Such arrangements require a specific written agreement, are not automatic and are contingent upon the specific work circumstances and exigencies of service. Staff members shall be aware that certain flexible working arrangements may not be compatible with their current function.
- 2.4 In order to facilitate business continuity during crises of whichever nature, staff members may be requested to work from an alternative work site, as determined by the President, the Prosecutor and the Registrar, in consultation. Such situations are exceptional and shall not be construed and interpreted as flexible working arrangements.
- 2.5 Without prejudice to section 6.8 below, the flexible working arrangements established in this administrative instruction shall not affect any accrual of service credits for the purpose of salaries and entitlements.
- 2.6 Any costs resulting from the use of flexible working arrangements, such as those related to the necessary computer hardware, software, internet connection, communication, travel and terminal expenses, and any other charges, expenses or fees incurred by the staff member for the performance of his or her tasks under the flexible working arrangements or for complying with security and safety requirements, shall be borne by the staff member and not be reimbursed by the Court.

- 2.7 Flexible working arrangements shall not increase the risks to the Court's information, operations or reputation, nor increase the risks to those persons that interact with the Court. Supervisors and staff members shall be responsible to ensure that activities during flexible working arrangements are undertaken with full adherence to the risk management steps and security measures and policies, as outlined in the relevant administrative instructions and any related Standard Operating Procedures and/or guidelines.
- 2.8 It is the responsibility of the Court and the staff members to optimize the benefits of flexibility while minimizing potential problems. When staff members avail themselves of flexible working arrangements, their productivity and quality of output must be maintained at a satisfactory level, as assessed by their supervisors. Immediate supervisors should clearly communicate to staff members their responsibilities and agreed deliverables when resorting to flexible working arrangements. Immediate supervisors, reviewers and staff members are reminded of their performance management obligations, outlined in the [Administrative Instruction on the Court's Performance Appraisal System](#) including any [amendments](#) thereto.
- 2.9 The Human Resources Section shall provide guidance to staff members and immediate supervisors regarding flexible working arrangements. In addition, it shall provide statistics on flexible working arrangements to heads of organ, division or section, the Staff Union or the Court's Focal Point for Gender Equality, upon request, with respect to the number of staff members who have participated in different flexible working arrangements.

Section 3

Eligibility

- 3.1 All staff members are eligible for flexible working arrangements irrespective of whether they are working on a full-time or part-time basis.

Section 4

Flexible Working Schedule

- 4.1 A flexible working schedule is a schedule that permits flexible arrival and departing times within prescribed time limits.

- 4.2 Under this option, staff members are required to be present at the Court's premises, or at another authorized location, pursuant to section 6, during the core working hours, i.e. from 10:00 to 12:00 and from 14:00 to 16:00, unless otherwise agreed with the immediate supervisor and contingent upon the operational needs and priorities of their respective organizational unit.
- 4.3 Under this option, staff members may adjust the start and end times of their working days, provided they work the required number of working hours pursuant to section 2.1 of the [Administrative Instruction on Overtime, Stand-By Duty, Compensatory Time Off, and Night Differential](#) and are present during the core working hours established for their duty station. Staff must complete the balance of working hours for each day before, after or partly before and partly after the core period. Staff members working on shifts are not eligible for the flexible working schedule under this section.
- 4.4 Authorized absence of less than two hours which is agreed upon between the staff member and the immediate supervisor, in accordance with the [Administrative Instruction on Recording of Attendance and Leave](#), shall not require an approved flexible working schedule and need not be recorded.

Section 5 Compressed Working Schedule

- 5.1 Ten working days in nine: A compressed ten working days in nine working schedule is a schedule where the total number of hours required to be worked over a period of ten consecutive working days are compressed into nine working days. These working hours should, in so far as possible, be equally spread among the nine days. This allows staff members, every other week, to take the tenth day off. Such a day off shall be recorded as a "compressed day off".
- 5.2 Five working days in four and a half: A compressed five working days in four and a half working schedule is a schedule where the total number of hours required to be worked over a period of five consecutive working days are compressed into four and a half working days. These working hours should, in so far as possible, be equally spread among the four and a half days. This allows staff members, every week, to take a half day of the fifth day off on Wednesday afternoons only. Such a day off shall be recorded as a "compressed half-day off".

- 5.3 Managerial discipline is required to avoid scheduling meetings where the staff member's presence is required, or other work related assignments that concern the staff member, on the staff member's compressed (half-)day off. In the case of unforeseen events, emergencies or other exigencies of service, the immediate supervisor may require a staff member to come to work on what would otherwise be his or her compressed (half-)day off. In such cases, the staff member shall be allowed to exercise the (half-)day off on the next working day after the scheduled compressed (half-)day off, unless otherwise agreed with the immediate supervisor. Care should be taken to ensure that a compressed working schedule does not result in additional demands on other colleagues.
- 5.4 Without prejudice to section 5.3, the compressed (half-)day off cannot be carried forward, accumulated, or credited to annual leave or compensatory time off. Extra time worked during a five or ten working day period, as applicable, in excess of the time necessary for one compressed (half-)day off, respectively, cannot be carried over to the next five or ten working day period, as applicable. If a staff member is sick on the designated compressed (half-)day off, that (half-)day will be recorded as sick leave. In such cases, the designated compressed (half-)day off shall be taken as the regular fifth or tenth day off during the next five or ten working day period, as applicable, without the staff member having to work on a compressed working schedule during this period.
- 5.5 If a staff member is absent on sick leave or annual leave for one day or less during the five or ten working day period, as applicable, or if one official holiday falls within the five or ten working day period, as applicable, the staff member has the option to either suspend or retain the arrangement. In the latter case, the working hours of the compressed (half-)day off shall be distributed - in so far as possible, equally - among the remaining days of the applicable working period.
- 5.6 If a staff member is absent on sick leave or annual leave for more than one day during the five or ten working day period, as applicable, or if more than one official holiday falls within the five or ten working day period, as applicable, the compressed working schedule will be automatically suspended.

Section 6 Remote working

- 6.1 Under this option, staff members perform their work away from the Court's premises at a remote location at their official duty station.¹ Where consistent with the nature of the position and the functions to be performed, staff members may work up to a maximum of two (consecutive or non-consecutive) full days per working week from an agreed remote location within their official duty station, provided they have access to the necessary data and equipment, can always be reached by telephone, email or videoconference and meets all requirements set out in sections 6.12 and 6.13. In exceptional circumstances, longer periods of remote work may be granted in order for staff members to address a grave personal, family or medical-related situation. When required, staff members shall be available to be present at the Court's premises or elsewhere. Remote working may be authorized in units of half or full days, on a regular basis, or on an ad-hoc basis, for example to finish a particular assignment. Care should be taken to ensure that remote working does not result in additional demands on other colleagues.
- 6.2 In cases where there are compelling personal circumstances, staff members may be authorised by the Registrar or the Prosecutor, as appropriate, to work remotely from outside their official duty station for a period not exceeding sixty (60) working days in total per calendar year within the territory of a State Party to the Rome Statute of the International Criminal Court ("State Party"), without prejudice to the exception established in section 6.6. Two periods of sixty (60) working days shall not be taken consecutively.
- 6.3 The sixty-day period referred to in section 6.2 can either be authorised as a whole or in parts but cannot exceed the maximum as stipulated above.
- 6.4 Remote working does not constitute, and shall not be construed and interpreted as, a change of official duty station within the meaning of Staff Rule 112.3.

¹ For the purpose of this Section, "official duty station" comprises the duty station assigned to the staff member, as indicated in the letter of appointment, and any location within commuting distance. "Commuting distance" means a distance between the remote working location and the Court's premises in the duty station the staff member is assigned to that would allow the staff member to be physically present at the Court's premises during the required working hours, within a reasonable timeframe, when requested.

- 6.5 For the purpose of this administrative instruction, notably section 6.2 above, compelling personal circumstances shall refer to a very exceptional event of a temporary nature, outside the staff member's control, that would require the presence of the staff member in a specific location to address a grave personal, family or medical related situation. Supporting documentation can be requested from staff members in support of their request.
- 6.6 In exceptional circumstances, a staff member may be authorised to work remotely from the territory of a non-State Party to the Rome Statute of the Court, by the Prosecutor or the Registrar, as appropriate, considering all the circumstances of the case, including but not limited to security and safety concerns.
- 6.7 The immediate supervisor or the head of organ, as appropriate, may require staff members working remotely – within or outside the staff member's official duty station - to report to the office for work-related meetings and other events at the staff member's own expense, depending on the nature of the work being performed, if alternative methods of communication and representation are not suitable and direct face-to-face contact and presence is necessary for mandate implementation. Such a requirement should be communicated to the staff member before the start or extension of the arrangement, if possible.
- 6.8 Staff members shall not be entitled to any additional benefits or entitlements as a result of remote working arrangements from outside their official duty station. Furthermore, the payment of danger pay and rest and recuperation, entitlements which require the physical presence of staff members at their official duty station, if applicable, shall be suspended for the period of remote working from outside the official duty station. No other entitlements, including post adjustment, will be affected during the maximum period of sixty (60) days as set out in section 6.2 above.
- 6.9 Approval for remote working – within or outside the staff member's official duty station - should only be granted if the immediate supervisor determines that the staff member has (i) a full understanding of their work in general and the specific tasks to be performed; (ii) demonstrated satisfactory performance; (iii) demonstrated the ability to work efficiently with minimal supervision, to establish priorities and to manage their own time; (iv) demonstrated the ability to access and handle ICC information securely; (v) completed all available ICC information security awareness courses available at the time of their flexible working

arrangement request and agrees to complete any future information security awareness courses in a timely manner as they become available and as required under the regular performance management system ; and (vi) complies with conditions set out under sections 6.12 and 6.13 below.

- 6.10 The work that the staff member is authorized to perform from a remote location – within or outside his/her official duty station - should be (i) measurable in terms of quality and quantity; (ii) non-dependent for its satisfactory completion on direct personal contact and presence at the office; and (iii) non-reliant on information, materials or facilities that are not readily available at the remote working location, other than those accessible via the Court’s approved secure remote access system.
- 6.11 Staff members authorized to work from a remote location – within or outside their official duty station - under this option shall work the regular and full number of working hours per day specified in their contractual arrangements, following either a full-time or a part-time schedule, unless otherwise agreed pursuant to section 5.
- 6.12 Staff members performing their duties in a remote working location – within or outside their official duty station - shall not use any method other than the Court’s approved secure remote access system and applications to access Court data, as provided by the Court, and subject to availability. Staff members shall not copy or export non-public files from the Court’s computers, nor shall they transfer such files via personal email in the context of remote working. Any form of access that could result in the Court’s non-public information being stored on any untrusted computer (e.g. files copied to an untrusted computer via USB stick or via email download) is prohibited.
- 6.13 Staff members shall declare to have read and agreed to the terms set out in the Court’s Security and Safety Checklist prior to starting the remote working arrangement – within or outside their official duty station - and shall declare that all remote working arrangements and measures put in place with respect to the remote working environment and necessary equipment comply with the Court’s safety and security requirements, and with its information protection policies and standards, including the regime outlined in the [Administrative Instruction on ICC Information Protection Policy](#). The Security and Safety Checklist is attached to this administrative instruction, as Annex I.

Section 7
Scheduled breaks for outside learning activities

- 7.1 Under this option, staff members may participate in or attend courses or other similar events, including but not limited to seminars or conferences, relevant to their professional development, at universities or other learning institutions. Staff members may, subject to operational needs, request breaks of up to three hours per working day for a maximum of two days per week. The hours spent away from work during a particular week must be made up during that same week.
- 7.2 Staff members shall determine with their immediate supervisor whether the specific request for outside learning activities would best fall under the scope of the [Administrative Instruction on Staff Development Leave](#), or be considered a scheduled break for outside learning activities under section 7 of this administrative instruction. The Human Resources Section can assist in that process by providing the necessary guidance, if needed.
- 7.3 Usage and effectiveness of scheduled breaks for outside learning will be monitored in anticipation of future reviews of this administrative instruction.

Section 8
Procedures for flexible working arrangements

- 8.1 Staff members shall discuss the request with their immediate supervisor. The immediate supervisor must ensure that the duties and functions to be provided by the staff member are covered, where required, during the full regular working hours.
- 8.2 Unless specified otherwise in this administrative instruction, all flexible working arrangements are at the discretion of the immediate supervisor, who will assess the request and reply within a reasonable time. Immediate supervisors are expected to discuss all arrangements with their head of organ, division or section, as appropriate, to allow for equal treatment among staff members. For such purpose, the interests of the Court, including its operational needs, its priority objectives, the nature of the staff member's post and related functions, and the needs of the staff member, shall be taken into account.

- 8.3 In determining whether to approve the flexible working arrangement requested by a staff member, the immediate supervisor or the head of organ, division or section, as appropriate, shall uphold and respect the principle of equal treatment. They shall also take into account requests from other staff members performing the same or similar functions, but under different supervisors, and the needs of the specific job. The immediate supervisor shall be responsible for the proper implementation of flexible working arrangements. They shall also provide feedback on those arrangements when assessing staff performance. Staff members must ensure that their level of productivity and efficiency is not affected by choosing to work flexibly.
- 8.4 Staff members must lodge a formal request as a first step through MyHR on the ICC intranet. Upon submission, the staff member's request will automatically be forwarded to the immediate supervisor for their assessment, in consultation with their own line of authority, and decision.
- 8.5 In case the immediate supervisor does not approve the request, the reasons motivating the rejection shall be provided with the decision. This decision shall constitute the administrative decision on the staff member's request for the purpose of Article XI of the Staff Regulations and Chapter XI of the Staff Rules.
- 8.6 A written agreement in electronic form, clearly indicating the modality of the flexible working arrangement(s) agreed upon ("the Agreement"), shall be completed and signed by the staff member and their respective line of authority, as applicable. All necessary forms will be made available in MyHR.
- 8.7 Immediate supervisors may request that a flexible working arrangement be changed, discontinued or temporarily suspended, if they consider that the operational needs necessitate the return to normal working hours and/or require the presence of the staff member at the office, or in case the staff member's performance did not meet the requirements established in this administrative instruction for the applicable flexible working arrangement(s) in question. If the immediate supervisor temporarily changes, suspends or discontinues a previously approved flexible working arrangement, the staff member shall be informed of the basis for such action in writing. Such decision on the temporary change, suspension or discontinuation of the flexible working arrangement shall constitute an administrative decision for the purpose of Article XI of the Staff Regulations and Chapter XI of the Staff Rules.

- 8.8 A staff member may equally request that a flexible working arrangement be changed, discontinued or temporarily suspended if their needs have changed.
- 8.9 Except if otherwise specified in this administrative instruction, flexible working arrangements may be agreed on an ad-hoc basis or for a period of up to twelve months and may be renewed subject to the approval of the immediate supervisor and/or the head of organ, division or section, as appropriate.

Section 9
Final provision

- 9.1 This administrative instruction shall replace and supersede Administrative Instruction on Flexible Working Arrangements [ICC/AI/2019/002](#) and shall enter into force on the date of its promulgation. It will be reviewed two years after its date of issuance.



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