

ICAO STAFF RULE 105.3
(Staff Regulation 5.3)

Compensation for overtime and night differential

(amended 19/2/21)

General principles — All staff members

1. As a general principle, it is recognized that the hours of work of the Organization should be observed, and overtime beyond the regular hours of attendance in the Secretariat should not be required; notwithstanding the foregoing and recognizing that the special nature of the work does involve periods of peak activity, the Secretary General may require attendance beyond regular hours.
2. Staff members should be safeguarded against the ill effects of excessive overtime.
3. Advance written approval for overtime worked must be given by a supervisor not below the level of Chief of Section and for overtime on Sunday and all work on statutory holidays by the Director of the Bureau or the Chief of the Office concerned. Claims for overtime, either by payment or compensatory leave, should be submitted by the end of the month in which the overtime was worked.
4. Notwithstanding any of the provisions contained in this Staff Rule, a staff member shall be entitled to one full clear day of rest in any period of seven consecutive calendar days.
5. Overtime shall be deemed to start after the established shift time of the staff member, including cases where such shift may be scheduled on a Saturday or Sunday or where such shift is of reduced duration compared to regular hours (e.g. night duty shifts). All work performed on a statutory holiday as defined at paragraph 10 below shall be considered as overtime. The rate of overtime payable for overtime hours of a particular shift is determined by the day on which that shift begins and applies to any overtime required and worked on that shift.
6. Staff members on mission travel should note that compensatory leave shall not be granted for any travel days falling on weekends or public holidays.

Staff members in the General Service category — Paid overtime or compensatory leave

7. As a general principle, at this level the established hours of work are considered to represent the extent of staff members' obligation for attendance, and overtime worked beyond a reasonable period for the conclusion of tasks immediately in hand should be compensated. The first 20 hours of overtime shall normally be compensated in the form of payment unless the staff member requests for compensatory leave. Thereafter, the hours in excess of 20 hours of overtime shall be compensated by compensatory leave. Such compensatory leave shall be exercised as soon as possible before any annual leave is taken, and in any event within six months from the last day of the overtime worked. Beyond such period, the entitlement to compensatory leave shall lapse. The maximum amount of overtime paid per calendar year to a staff member shall not exceed the equivalent of 100 hours of overtime worked.
8. Staff members will be compensated for authorized overtime for continuous periods of one hour or more on non-working days. Supervisors should not take advantage of this minimum qualifying period and should, as a general rule, release staff promptly at the close of a working day. Overtime will be calculated to the nearest quarter hour. Time taken for meals during periods of overtime will not count for overtime.

9. Staff members who work during the day on a working schedule different from the normal working hours will be compensated by time off in lieu of overtime pay. Staff members who work on a regular night shift will be compensated by a shift of shorter hours for the same pay as they would receive on a day shift. In very exceptional circumstances extra pay may be granted to staff members on regular night shifts. All other staff members may request payment or compensatory leave for the period of overtime worked.

10. Compensatory leave will be granted at the rate of time-and-a-half (double-time on Sundays and statutory holidays). Double-time is not compensated for regular (non-overtime) work on Sunday. Where applicable, the hourly rate of payment for overtime will be one-and-a-half times (twice on Sundays and statutory holidays) the staff member's annual basic salary rate and language supplement, if any, divided by 1 820. For this purpose, Sunday and statutory holidays shall be defined as the period beginning at 0600 hours on the morning of the Sunday or statutory holiday and ending at 0600 hours on the following morning. Overtime work on a shift beginning on Sunday or a statutory holiday as so defined, and extending beyond 0600 hours on the following day, shall be regarded as Sunday or statutory overtime. (The period 0001 to 0600 Sunday morning (or of the statutory holiday) is regarded as a continuation of the preceding day. Only in exceptional circumstances will work be scheduled during such a period.)

Staff members in the General Service category — Night differential

11. Night work on a regular shift basis shall not be deemed to be overtime; nevertheless, in recognition of the inconvenience of work on a night shift, a night differential normally expressed in terms of shorter hours for the same pay shall be established.

12. Unless otherwise specifically prescribed by the Secretary General, night differential shall not be paid for the same work for which overtime payment or compensatory time off is allowed or for any hours when the staff member is on leave or in travel status.

Staff members in the Professional and higher categories — Compensatory leave

13. At these levels staff members may, from time to time, be required to work beyond the normal hours of attendance without additional financial compensation. They shall be granted compensatory leave in lieu of overtime pay to the extent practicable, and in any event not in excess of the overtime worked, so long as this would not interfere with the proper discharge of their duties. Inability of the Organization to grant compensatory leave shall not imply a financial obligation to the staff member in lieu thereof.

14. The amount of overtime required of a staff member shall normally not exceed 12 hours in any period of seven consecutive calendar days, or 40 hours in any period of 28 consecutive calendar days.

15. Subject to the provision of paragraph 18 below, compensatory leave shall be granted to staff members in these categories for any period of seven consecutive calendar days in which overtime worked exceeded 12 hours, or 40 hours in any period of 28 consecutive calendar days. Compensatory leave will accrue at the rate of one day for each such period, or two days for each period in which overtime reached twice this level.

16. Where staff members are required to work overtime other than on normal working days, they shall be accorded half a day of compensatory leave for each completed half day of overtime, except where consolidation of the overtime worked outside regular working days with that worked during regular working days would, by application of the general provision in paragraph 14 above, result in a greater allocation of compensatory leave.

17. Where staff members have worked significant and repetitive overtime but short of 12 hours per seven consecutive days, they may nevertheless, if practicable, be granted reasonable compensatory leave.

18. Entitlement to compensatory leave under the provisions of paragraphs 15 to 17 above shall under no circumstances accumulate beyond a maximum of four working days and must be exercised as soon as possible before any annual leave is taken and in any event within six months from the last day of the overtime worked. Beyond such period, the entitlement to compensatory leave shall lapse. If more than four days of compensatory leave have been accumulated due to major meetings or conferences without the staff member having had an opportunity to take such leave due to exigencies of the service, the Secretary General may exceptionally waive the four-day limit.
