

CERN/FC/6634/Rev.
CERN/3696/Rev.
Original: English
23 March 2023

ORGANISATION EUROPÉENNE POUR LA RECHERCHE NUCLÉAIRE
CERN EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

**TERMS OF REFERENCE OF THE
CERN TRIPARTITE EMPLOYMENT CONDITIONS FORUM**

CERN Tripartite Employment Conditions Forum

Terms of Reference

The Terms of Reference of the CERN Tripartite Employment Conditions Forum, as approved by the Council at its 211th Session (CERN/3696/Rev.) on the recommendation of the Finance Committee and of the aforementioned Forum, entered into force on 1 April 2023. They cancel and replace the initial Terms of Reference set out in the Resolution attached as Annex C to document CERN/RTG/8, which was approved by the Council on 24 June 1994.¹

I. General Remit and Authority

1. The CERN Tripartite Employment Conditions Forum (hereinafter referred to as “TREF”), a subordinate body established by the Council in accordance with article V, paragraph 12, of the CERN Convention, is a tripartite forum comprising representatives of the Member States, the Management and the Staff Association. It discusses general working conditions at CERN, diversity and inclusion, and the Organization’s annual personnel statistics. It advises the Council, normally through the Finance Committee, on, *inter alia*, aspects of CERN remuneration and employment conditions, including associated modifications to the Staff Rules and Regulations.
2. The Director-General of CERN provides TREF with all the support and all the information at the Director-General’s disposal that it may require to fulfil its remit.

II. Detailed Responsibilities

3. The responsibilities of TREF are the following:

a) Advisory responsibilities

4. To assist in the development of proposals by the Director-General, provide feedback thereon and facilitate discussion and decision making by the Finance Committee and the Council, in particular with respect to:
 - i. amendments to the Staff Rules and Regulations;
 - ii. the five-yearly general review of the financial and social conditions offered by the Organization;
 - iii. modifications to social insurance benefits and contributions; and
 - iv. any other aspects of working conditions that TREF considers merit attention.

¹ The conciliation procedure set out in CERN/RTG/8, as replicated and updated in Annex 3 of the Rules of Procedure of the Council, remains in force.

b) Decision-making responsibilities

5. TREF has decision-making responsibilities with respect to:
 - i. its internal functioning; and
 - ii. the establishment of time-limited working groups to study specific items falling within its remit.

c) Other responsibilities

6. In addition, TREF performs any other activities that the Council may request it to perform.

III. Composition**a) Membership**

7. TREF is composed of one representative from each Member State and representatives of the Management and the Staff Association.
8. Each Member State must appoint one such representative, normally from amongst its Council delegates or Finance Committee members.
9. The Management must appoint three representatives.
10. The Staff Association must appoint three representatives.

b) Chair and Vice-Chair

11. The Chair of TREF is appointed by the Council from amongst the Member State representatives at TREF, normally from amongst those who are Council delegates or Finance Committee members. The Chair is appointed for a period of three years, renewable once. During this term of office, the Chair cannot represent a Member State at TREF.
12. The Vice-Chair of TREF is appointed by the Council upon the recommendation of TREF from amongst the Member State representatives at TREF, for a period of three years, renewable once.
13. If the Chair of TREF is unable to attend all or part of a meeting, or has a conflict of interest on a particular agenda item, the Vice-Chair acts in the Chair's stead. In the event that both the Chair and the Vice-Chair are unable to attend all or part of a meeting, or have a conflict of interest on a particular agenda item, the President of Council acts as Chair.

c) TREF Secretary

14. The TREF Secretary is a CERN staff member, appointed to this function by the Director-General.

IV. Meetings and Attendance

a) Conduct of meetings

15. TREF holds ordinary meetings twice per year, except in years during which the five-yearly general review of the financial and social conditions is under way, when it meets more often.
16. TREF may convene additional meetings at the request of the Council, the Chair or at least five Member States. The Chair will consider any requests from the Management or the Staff Association for such a meeting.
17. TREF meets in person once per year, on a date decided by the Chair. Other TREF meetings are normally held in person, with the possibility of remote attendance. Where necessary, the Chair, following consultation with the President of Council, may decide on a remote-only meeting.
18. For the discussion of any matter, the presence of representatives from a majority of the Member States as well as at least one representative each of the Management and the Staff Association constitutes the required quorum.

b) Agenda, documents and minutes

19. The agenda is prepared by the Chair in consultation with the TREF Secretary and following discussion in a preparatory group consisting of the Chair and the Vice-Chair of TREF, one TREF representative each of the Management and the Staff Association, the Chair of the Finance Committee, the TREF Secretary and the Legal Counsel.
20. The Chair and Vice-Chair have confidential access to relevant extracts of the minutes or draft minutes of the Standing *Concertation* Committee in respect of items on the TREF agenda.
21. Documents to be considered by TREF are normally prepared by the Management. Other parties to TREF may submit documents, subject to the agreement of the Chair and following discussion in the preparatory group.
22. The deadlines applicable to the distribution of the agenda and documents are those set out in the Rules of Procedure of the Council.
23. All documents and information submitted to or produced by TREF remain confidential, unless otherwise determined.
24. Minutes are produced in accordance with the established procedures for the minutes of the Council and its subordinate bodies.

c) Attendance

25. The Member State representatives, as referred to in article 8 above, may be accompanied by one adviser appointed by the Member State concerned.

26. The President of Council, the Chair of the Finance Committee, the Director-General and the President of the Staff Association may attend TREF meetings.
27. The Chair may decide to invite individuals to be present for specific agenda items.
28. The attendance rights for TREF meetings are set out in annex 1.

V. Decision making

29. In preparing its input and reaching decisions, TREF strives for consensus.
30. In compliance with the Organization's Code of Conduct as well as its conflict of interest policy, participants in TREF meetings contribute to a constructive climate of discussions, conducive to consensus building.

VI. Reporting

31. The Chair reports to the Finance Committee at each meeting where a proposal discussed at TREF is submitted for the feedback or decision of the Finance Committee.
32. The Chair presents an annual TREF activity report to the Council.

VII. Rules of Procedure of the Council

33. Pursuant to Rule 21 of the Rules of Procedure of the Council, the latter Rules of Procedure apply *mutatis mutandis* to TREF unless the present document contains specific provisions covering the issue(s) concerned.²

² At the time of approval of this document, the most recent version of the Council Rules of Procedure was that approved by the Council in June 2019 (CERN/3388/Rev.2).

Annex 1

Attendance at TREF (article 28)

- Chair and Vice-Chair
- Member State representatives and advisers
- Management representatives
- Staff Association representatives

- President of Council
- Finance Committee Chair
- Director-General
- President of the Staff Association

- Any other person invited by the Chair to attend

CERN support:

- TREF Secretary
- Council Secretariat
- Legal Counsel
- Minute-writers
- Audio-visual technicians