

International Organisations **CATALOGUE**

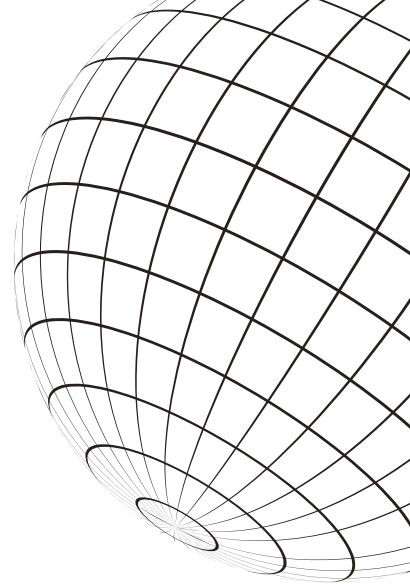


Modulaw

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INTRODUCTION



Throughout 2022, we have been sharing a ‘snapshot’ of the internal justice system at different international organisations, and predominantly those that have their staff rules and regulations available in the public domain.

Why? We understand and acknowledge that international organisations are special creatures and at least at the internal stage of disputes, have their own ways of handling cases. By sharing these profiles, we hope to increase transparency, encourage debate about what works and what does not, and provide guidance to those who wish to engage with the systems.

This publication would not be possible without the contribution of our consultant, Ellen Tetley.

We hope this is a useful catalogue for all readers.

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Consortium of International Agricultural Research (CGIAR)

Did you know...

- CGIAR is a global partnership which brings together international organisations engaged in research about food security.
- CGIAR's work is carried out at 15 centres around the world, with its headquarters in Montpellier, France.

Who has access to the procedure?

- All staff members are entitled to access the administrative appeals procedure.

Stages in the appeal procedure

1. Attempt informal resolution.
2. Lodge a formal grievance seeking review of the decision by the Grievance Committee. The CEO will make a final decision based on the Grievance Committee's report.
3. Appeals against the CEO's decision are made to the ILOAT.

Is there scope for informal resolution?

- Attempts at informal resolution are necessary in order to proceed to a formal review by the Grievance Committee.
- Staff members are encouraged to discuss their concerns with their supervisor or Unit Head. Both parties should attempt to resolve the issue (with the assistance of HR if necessary) without elevating it to a formal grievance.

Time limits

- Formal grievances must be lodged within 10 working days of the action that led to the grievance or within 10 days of being advised that attempts to resolve the grievance informally have failed.
- Appeals to the ILOAT must be filed within 90 days of notification of the CEO's decision.

Legal representation

- Staff members may be accompanied by a fellow employee when presenting their case at all hearings and meetings between the aggrieved staff member and the Grievance Committee.

Transparency

- [Part A](#) and [Part B](#) of the CGIAR Consortium Personnel Policy Manual are available online.
- All other CGIAR Consortium administrative resources are available [here](#).

Recent decisions

- The ILOAT has not heard any appeals from the CGIAR to date.

European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)

Did you know...

- Established in 1986, EUMETSAT is the European operational satellite agency for monitoring weather, climate and environment from space. It has geostationary satellites and polar-orbiting satellites, and cooperates on sea-monitory and space missions.
- EUMETSAT is based in Darmstadt, Germany and currently has 30 member states. EUMETSAT has established cooperation with satellite operators in China, India, Japan, South Korea and the United States, but suspended cooperation with Russia in March 2022.

Who has access to the procedure?

- All staff members, former staff members and their heirs and assigns have access to the administrative appeals procedure.

Stages in the appeal procedure

1. Submit a complaint to the Director-General.
2. If the complaint is rejected or the complainant does not receive a response within one month, then the Claimant may appeal to the Appeals Board.
3. Decisions of the Appeals Board are legally binding on all parties and cannot be appealed.

Is there scope for informal resolution?

- The Staff Rules (which are available online) do not make any express reference to informal resolution, which is instead covered in internal policies (which are not available online).

Time limits

- For current/former staff members, complaints to the Director-General must be submitted within 20 days of notification of the decision.
- For former staff members, heirs or assigns, complaints to the Director-General must be submitted within 1 year from the date of the act in dispute.
- Complaints to the Appeal Board must be lodged within 2 months from the date of notification of the decision of the Director-General.

Legal representation

- The Claimant may obtain legal representation or request a representative of the Staff Committee to assist them.

Transparency

- All hearings of the Appeals Board are public unless there is a valid reason for this not to occur.
- All EUMESAT rules and regulations are available [online](#).
- All decisions of the Appeals Board are available [online](#).

Recent decisions

- [Cases No. 15, 16 and 17](#) (Decision of 5 March 2021): The Claimant appealed against his Interim Appraisal Report 2019 and Annual Appraisal Report 2019, for which he received a “red” rating. The red rating reflected ongoing difficulties in the Claimant’s ability to communicate, prioritise tasks and focus on assignments. On the basis of these reports, the Staff Contract Review Board decided not to award the Claimant a further contract. The Claimant sought the invalidation of his negative Appraisal Reports but did not contest the resulting decision of non-renewal of his contract. However, the Appeals Board concluded that the Claimant was using the two appeals against the Appraisal Reports as a device to indirectly challenge the decision not to renew his contract. The appeals were therefore void and inadmissible, as the time limit for challenging the decision of non-renewal had already lapsed.
- [Cases No. 9-14](#) (Hearing held on 18 October 2021): The Claimants appealed against an amendment to the Pension Rules which provided that adjustments of pensions would follow the inflation rate, as opposed to salary adjustments. Conditions of payment of an education allowance would also be restricted. The Appeals Board did not accept that the Claimants did suffer or were likely to suffer losses, as they were never entitled to receive such an adjustment of their pensions. The Claimants could not compare what they considered to be their accrued rights in the past with their possible adjustments in the future – their sole right was to the pensions which they would receive in the future.

European Patent Office (EPO)

Did you know...

- Established in 1977, the core activity of the EPO is the search and examination of patent applications and the grant of European patents.
- The EPO is not a legal entity in its own right but is the executive arm of the European Patent Organisation which has legal personality.
- The premises of the EPO enjoy a form of extraterritoriality where the authorities of the states in which the organisation has its premises are not authorised to enter those premises without the consent of the President of the EPO.

Who has access to the procedure?

- The EPO Service Regulations apply to current and former employees on permanent and fixed-term contracts.

Stages in the appeal procedure

1. Submit a request for review to the appointing authority which took the individual decision challenged. In most cases, this is the President.
2. Appeals against the decision of the President are made to the Appeals Committee. The Appeals Committee provides a reasoned opinion to the President, who makes a final decision.
3. This final decision can be appealed to the ILOAT.

Is there scope for informal resolution?

- The EPO encourages amicable conflict resolution through informal discussions, counselling or facilitation. There is a Conflict Resolution Unit that supports and coordinates these processes.
- The parties should seek a resolution as soon as possible and at the lowest appropriate level.

Time limits

- A request for review must be submitted within three months of notification of the decision challenged.
- An internal appeal must also be lodged within three months of notification of the decision challenged.

Legal representation

- Staff members may obtain legal representation from external lawyers.

Transparency

- The EPO's staff regulations and related rules are available [online](#).
- All decisions released for publication by the Boards of Appeal are available [online](#).
- All other publications by the Boards of Appeal can be found [here](#).

Recent decisions

- [ILOAT Judgment No. 4491](#): The complainant and her husband divorced in 2008 and had their first child in 2010, and twins in 2014. In 2011, the ex-husband was moved to The Hague with the European Space Agency and in 2014, the complainant was recruited by EPO. The complainant declared that she was a single parent to EPO and received an allowance calculated at a higher rate. Following an investigation into fraud allegations, EPO dismissed the complainant with immediate effect for serious misconduct, on the basis that by declaring she was a single parent, the complainant had unduly benefited from a greater parental leave allowance. On appeal, the ILOAT was not satisfied that a finding of guilt beyond reasonable doubt could have properly been made. Whilst the complainant's unusual circumstances may have led others to conclude that she was not a single parent, this does not mean that she was not entitled to parental leave as a single parent, let alone that in claiming it, she was acting fraudulently. The complainant had provided evidence that she was living separately and that her ex-husband provided minimal support. The complainant was therefore reinstated from the date of delivery of this judgement and awarded €30,000 in moral damages and €8,000 in costs.
- [ILOAT Judgment No. 4488](#): The complainant sought to challenge a decision of the EPO to transfer her to another post. When presented with the proposal for this transfer, the complainant indicated that she was willing to consider the change provided that it was not a demotion and that the terms of her contract were respected. The complainant was transferred to the post, but the level of duties assigned to the complainant did not correspond with her grade requirements. On this basis, the Tribunal concluded that the transfer decision was unlawful and should be set aside as it did not sufficiently respect the complainant's dignity. Given that the complainant no longer worked at the EPO, the Tribunal awarded her €35,000 in moral damages and €1,000 in costs.

International Criminal Court (ICC)

Did you know...

- The ICC is responsible for trying individuals for genocide, war crimes, crimes against humanity and aggression where domestic courts are unwilling or unable to do so.
- States signal their acceptance of the ICC's jurisdiction by becoming a party to the Rome Statute.
- At present, there are 123 ICC member-states and 42 states who are neither a signatory nor a party to the Rome Statute.

Who has access to the procedure?

- All staff members who are employed on a fixed-term appointment have access to the administrative appeals procedure.

Stages in the appeal procedure

1. Submit a request for review to the Registrar or Prosecutor.
2. Appeals from the Registrar's or Prosecutor's decision are made to the Appeals Board. The Appeals Board will prepare a Panel Report which provides recommendations to the Registrar or Prosecutor, who makes a final decision.
3. Appeals from the Registrar's or Prosecutor's decision are made to the ILOAT.

Is there scope for informal resolution?

- Staff members can make a request for conciliation within 30 days of initiating the request for review.

Time limits

- Requests for review must be submitted within 30 days of the administrative decision.
- Appeals to the Appeals Board must be submitted within 30 days of the decision on the request for review.
- Appeals to the ILOAT must be filed within 90 days of the Registrar's or Prosecutor's final decision.

Legal representation

- Staff members are entitled to be represented or assisted by a current or former staff member during the internal appeal process.

Transparency

- All ICC [rules](#) and [regulations](#) are available online.
- The ICC's [administrative issuances](#) are available online.

Recent decisions

- [ILOAT Judgment No. 4475](#): The complainant submitted a grievance complaint for “harassment and unequal treatment” to the Registrar, who informed her that he would not take further action as the allegations were not substantiated by evidence. The Registrar told the complainant to submit a misconduct report to the Independent Oversight Mechanism (IOM), but the complainant instead filed an application to the ILOAT on the basis that the Registrar made his decision without referring her complaint to the Disciplinary Advisory Board. The Tribunal reviewed the ICC's procedures and held that irrespective of whether the Registrar's suggestion to send the case to IOM was lawful or not, it was only an internal step in the procedure and not a final one. The complaint was therefore irreceivable.

International Maritime Organization (IMO)

Did you know...

- IMO is a specialised UN agency which aims to improve the safety and security of international shipping and prevent pollution caused by shipping activities.
- IMO has 175 member states and is governed by a Council of 40 member states.
- IMO is one of the smallest agencies in the UN system, both in terms of staff numbers (with 265 permanent staff) and budget.

Who has access to the procedure?

- All staff members have access to the administrative appeals procedure, except for technical assistance project personnel and personnel specifically engaged for conferences and other short-term services.

Stages in the appeal procedure

1. Submit a request for review an administrative decision to the Director of the Administrative Division, and try to resolve the dispute through dialogue.
2. If the dispute is not resolved, submit a written request to the Management Evaluation Panel. Based on the Panel's recommendations, the Director of the Administrative Division can amend the disputed decision.
3. Appeals against the management evaluation outcome are made to the Chair of the Staff Appeals Board.
4. Appeals against the decision of the Staff Appeals Board are made to the UNAT.

Is there scope for informal resolution?

- The option of engaging in dialogue with the Director of the Administrative Division remains open throughout the appeal proceedings.
- This dialogue may be assisted by a trained third party mediator.
- If the dispute is resolved through dialogue, the parties may sign a written agreement settling the dispute.

Time limits

- Staff members must write to the Director of the Administrative Division within 6 weeks from the date of notification of the administrative decision.
- A request for management evaluation must be made within 14 weeks from the date of notification of the administrative decision.
- An appeal to the Staff Appeals Board must be made within 8 weeks from the date of notification of the management evaluation or, in the absence of a reply, 10 weeks from the date the reply was due.

Legal representation

- Staff members may arrange for their appeal to be presented to the Staff Appeals Board by another person at their own cost.

Transparency

- All IMO staff rules and regulations are available [online](#).
- All IMO documents and reports, assembly resolutions, council documents and conference documents are available on the [online](#) database.

Recent decisions

- [Judgment No. 2021-UNAT-1150](#): A former staff member contested the decision to close a case relating to a complaint he had made against his Second Reporting Officer (SRO). The Staff Appeals Board (SAB) found a conflict of interest on the part of a third-party company which conducted the investigation and “decided” that the Investigation Report could not be used as a basis to close the case against the SRO. The SAB therefore issued a “decision” partially granting the appeal. The staff member appealed to the Tribunal on the basis that the SAB was not a neutral first instance process. The UNAT ultimately remanded the case to the SAB on the basis that it needed to issue a final decision providing reasons, facts and law – not a partial “decision” which was, in reality, a recommendation to the Secretary-General.

Organisation for Economic Co-operation and Development (OECD)

Did you know...

- The OECD has a broad mandate to develop policies and find solutions across a range of global issues and plays a key normative role in international standard-setting.
- The OECD's headquarters are in the Château de la Muette in Paris, France and its work is funded by the contributions of its 38 member-states.
- All publications by the OECD (since 1998) can be accessed via the OECD Library [online](#).

Who has access to the procedure?

General application

- The OECD Staff Regulations, Rules and Instructions apply to all staff members whose letter of appointment states that they are "officials" of the organisation.
- Subject to approval by the Council, the Secretary General may adapt the Regulations to apply to officials serving in places other than the headquarters of the organisation.
- The Regulations do not apply to any other category of staff employed by the organisation, unless otherwise stated by the Council.

Jurisdiction of the Tribunal

- Any staff member of the OECD who considers that a decision made by the Secretary-General has caused them prejudice may file an application with the Administrative Tribunal.
- Former staff members and the duly qualified claimants to the rights of serving and former staff members may also file an application. This jurisdiction extends those applications filed by staff associations, trade unions or professional organisations in respect of any act affecting them or their rights accorded to them under the Regulations.
- The Tribunal may hear applications by persons who are *not* staff members, challenging the refusal of their application for employment on the grounds of discrimination.

Stages in the appeal procedure

1. Make a written request to the Secretary-General to withdraw or modify the contested decision.
2. Appeals from the decision of the Secretary-General are made to the Joint Advisory Board, which then provides its recommendations to the Secretary-General.
3. Appeals against decisions relating to performance evaluation, periodic advancement or job classification are made to the Re-Evaluation Commission, which then provides its recommendations to the Secretary-General.
4. Appeals from the final decision of the Secretary-General are made to the OECD Administrative Tribunal.

Is there scope for informal resolution?

- Though not mandatory, staff members are encouraged to participate in informal means of resolution and make genuine efforts to address and resolve the problem before it continues or escalates.
- In addition to their manager or supervisor, staff members may consult with the HRM Business Partner, mediation service, staff association, social advisers, medical services or Head of Ethics.

Time limits

- Requests to the Secretary-General must be submitted within 2 months of the administrative decision.
- Appeals to the Joint Advisory Board must be submitted within 6 months of the Secretary-General's decision.
- Appeals to the Re-Evaluation Commission must be submitted within 2 months of the Secretary-General's decision.
- Appeals to the Tribunal must be submitted within 3 months of the Secretary-General's decision.

Legal representation

- There is no specific provision providing for or prohibiting legal representation in the Regulations.

Transparency

- The OECD Staff Regulations, Rules and Instructions are available [online](#).
- Most decisions of the OECD Administrative Tribunal are available [online](#). However, the Tribunal may choose not to publish a decision on its own initiative or at the request of one of the parties.
- Decisions of the Appeals Board of the OECD (the predecessor body of the Tribunal) from October 1961-1992 are also available [online](#).

Recent OECD Administrative Tribunal decisions

- [Case No. 96 \(30 June 2021\)](#): The Applicants sought to challenge the amendment to Article 36 of the Coordinated Pension Scheme Rules. The Applicants alleged that their January 2020 payslip adjusted the pensions of retired officials based on the price index of the country of residence as opposed to the basis of their previous salary. The Applicants argued that the reform of the pension adjustment system was adopted in violation of the duty to consult, disregarded the values of the OECD and violated the general principles of international civil service law, including the principle of equal treatment. The Tribunal found that this application was inadmissible, as the contested payslip simply showed a change to the contribution rate without implementing the amendment to Article 36. Thus, even if the arguments raised by the Applicants were well founded, they would not entail the annulment of the January 2020 payslip as there was no change to the pension indexation method.
- [Case No. 93 \(26 October 2020\)](#): The Applicant accepted an appointment with OECD on the basis that she would be relocating to France and was therefore entitled to a number of allowances, despite the fact that her husband already received these allowances and that she had actually been working in France on secondment prior to her appointment. The Applicant and her husband later commenced divorce proceedings, and the Applicant requested expatriate status from OECD, which was rejected. The Applicant sought an annulment of the Secretary-General's decision. The Tribunal found the application regarding the expatriation allowance to be inadmissible as it was submitted out of time. For the family allowance, the Staff Regulations did not provide for a situation where officials are married but legally separated and share joint custody of their children. The Tribunal therefore had to apply the rules that did exist, even if they resulted in an unfair outcome. In this case, as the husband received the higher salary and family allowance, the Applicant was not entitled to receive it as well.

World Bank Group (WBG)

Did you know...

- The World Bank was established in 1944 to help rebuild Europe and Japan after World War II. However, it now operates to reduce poverty around the world by lending money to governments of poorer nations to help improve their economies and standard of living.
- The World Bank Administrative Tribunal (WBAT) was established in 1980 and is a judicial body which functions completely independently of the management of the WBG.

Who has access to the procedure?

- The procedure applies to all staff members of the WBG.
- This includes any current or former staff member of the WBG, any person who is entitled to claim upon a right of a member of the staff as a personal representative or by reason of the staff member's death, and any person designated or otherwise entitled to receive a payment under any provision of the Staff Retirement Plan or disability schemes.
- A staff member may file an application with the WBAT irrespective of the length of his/her employment with the WBG.

Stages in the appeal procedure

1. Submit a [Request for Peer Review form](#) to Peer Review Services. The Peer Review Panel will prepare a report which summarises its findings and proposed relief.
2. The Panel's Report is submitted to the Vice President of the manager designated to respond to the case. If the employee and the Vice Present agree on the resolution of the case, this outcome will be recorded in a Resolution of Peer Review form.
3. If the employee is not satisfied with the outcome of the peer review process, appeals against the Vice President's decision are made to the WBAT.

Is there scope for informal resolution?

- Peer Review Services will often refer cases to the Internal Justice Services, which offers informal dispute resolution services such as Respectful Workplace Advisors, Ombuds Services and Mediation so that they can be settled before they go to a hearing.
- The Internal Justice Services may be used in conjunction with formal services, such as Peer Review and the WBAT.
- Staff may also mutually agree to address the matter informally with the Vice President and Chief Ethics Officer, or a designated Ethics and Business Conduct official.

Time limits

- A request for review must be submitted to Peer Review Services within 120 days of notification of the decision challenged.
- Appeals to the WBAT must be filed within 120 days of notification of the Peer Review Services outcome.
- Time limits relating to applications brought against decisions of the Pension Benefits Administration Committee are calculated from the date of notification of the decision challenged.

Legal representation

- Staff members may obtain legal representation from external lawyers.
- A lawyer representing an applicant must be authorised to practice law in any country that is a member of the WBG and have written authorisation from the applicant to act on his/her behalf.

Transparency

- The WBAT [rules](#) and [statute](#) are both available online.
- All decisions of the Tribunal are published [online](#).
- Judgments can also be made available to interested persons upon request.

Recent WBAT decisions

- [Judgment No. 665/2021](#): The Applicant had a financial interest and management role in a company which participated in multiple WBG-financed consultancy contracts in Somalia. He was found to have committed serious misconduct for misrepresenting or failing to disclose these interests to WBG and for colluding with government officials to influence WBG-financed contract awards. The disciplinary measures imposed were termination, ineligibility for future WBG employment, restricted access to WBG premises and written censure to remain on the Applicant's personnel record. The Tribunal found the Applicant's misconduct to be of a particularly serious nature, and even more so given that he had failed to cooperate throughout the investigation process, deleting evidence on his Bank-issued iPhone and failing to provide his financial records to the investigators. Given the entirety of the Applicant's actions, his application was dismissed and the disciplinary sanctions were upheld.
- [Judgment No. 660/2021](#): The Applicant contended that the International Finance Corporation (IFC) failed to follow a fair and proper process in conducting its voluntary separation program (VSP) and that they did not have a reasonable and observable basis to refuse his application. He argued that the IFC discriminated, or otherwise acted in bad faith, against him, and that the absence of any contemporaneous documentation of the selection criteria for the VSP demonstrated that the criteria were invented ex post facto. On balance, the Tribunal was not satisfied that the principles ensuring a fair and transparent selection process had been applied in this case. The Tribunal therefore ordered that the Applicant be paid compensation in the amount of six months' salary net of taxes for the procedural irregularities in the selection process, as well as legal costs.

World Meteorological Organization (WMO)

Did you know...

- Established in 1950, the WMO is a specialised agency of the UN which acts as a central framework for members to discuss all issues relating to weather, climate and water.
- WMO membership comprises 187 states and 6 territories.

Who has access to the procedure?

- All currently serving staff members have access to the internal appeals procedure.
- Former staff members may access the internal justice system of the UN or file their dispute directly with the UN Dispute Tribunal.

Stages in the appeal procedure

1. Submit an appeal to the internal Joint Appeals Board (JAB). The JAB will prepare a report which provides recommendations to the Secretary-General of the WMO, who makes a final decision.
2. Appeals from the Secretary-General's decision are made to the UNDT.
3. Appeals from the UNDT judgment are made to the UNAT.

Is there scope for informal resolution?

- WMO staff have access to the internal justice system of UN, including the Office of the UN Ombudsman and Mediation Services.

Time limits

- Appeals to the JAB must be submitted within 60 days of the decision challenged.
- Appeals to the UNDT must be filed within 90 days of receipt of the Secretary-General's decision.
- Appeals to the UNAT must be filed within 60 days of receipt of the UNDT judgment.

Legal representation

- Staff members may obtain legal representation from external lawyers or OSLA.

Transparency

- All WMO rules and regulations are available [online](#).

Recent WBAT decisions

- [Judgment No. 2020-UNAT-1031](#): This case concerned an appeal by 64 staff members who disputed the decision of the WMO Secretary-General to accept the recommendation of the WMO's JAB to implement the reduced post-adjustment multiplier. The Tribunal remanded the case to the UNDT as it was not satisfied that the essential elements of a neutral first instance process were present – the JAB's report simply provided advice or recommendations to the Secretary General, who could adopt the recommendations or ignore them. The Tribunal found that the JAB report did not constitute a decision that could be appealed to the Appeals Tribunal, and remanded the case back to the UNDT.
- [Judgment No. UNDT/2021/138](#): The Tribunal had to determine whether the WMO Secretary-General acted within his scope of discretion in deciding, in accordance with the UNAT case of *Al Shakour*, to implement the post-adjustment multiplier (PAM) determined by the ICSC based on its 2016 cost-of-living survey. Given the similarity of its facts, the Tribunal ultimately held that it was bound by the *Al Shakour* decision, and that the PAM provided in WMO Staff Regulation 3.3 was the result of a WMO Congress decision.

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