

111th Session

Judgment No. 3049

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mrs S.D. H.R. against the World Intellectual Property Organization (WIPO) on 3 March 2010;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7, paragraph 2, of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant was engaged by WIPO as a Spanish translator under a Special Service Agreement, or “SSA contract”, in July 2005. The SSA contract was successively renewed until September 2009, when she was offered a six-month “T contract” expiring in February 2010. On 19 February 2010 she was given a six-month extension of her T contract, expiring on 22 August 2010.

2. In 2006 the complainant participated in two competitions for Spanish translator posts at the P-3 level but was unsuccessful on both occasions. As she considered herself to be more qualified than the successful candidates, she requested an investigation into what she described as “irregularities” in the selection processes. The complainant was notified on 26 May 2008 that a review of the selection processes had been carried out and that the said processes were in conformity with the Organization’s recruitment practices, but

that the matter had nevertheless been referred to the Internal Audit and Oversight Division (IAOD). By a memorandum of 2 December 2009 the Director of the Human Resources Management Department informed the complainant that IAOD had found no evidence to support her allegations. The complainant then submitted an appeal on 1 March 2010 which was refused by the Appeal Board that same day on the basis that she was not a fixed-term staff member.

3. On 3 March 2010 the complainant filed a complaint with this Tribunal requesting inter alia the withdrawal of the Director General's decisions to appoint other candidates to the disputed posts, resumption of the selection processes, and compensation for moral, financial and professional injury, as well as costs.

4. The Tribunal clearly has no jurisdiction to hear this complaint. Pursuant to Article II, paragraph 5, of its Statute, "[t]he Tribunal shall [...] be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and of provisions of the Staff Regulations of any [...] international organization meeting the standards set out in the Annex hereto which has addressed to the Director-General a declaration recognizing, in accordance with its Constitution or internal administrative rules, the jurisdiction of the Tribunal". As the complainant cannot be considered as an official of WIPO and is not covered by WIPO's Staff Regulations and Staff Rules, in particular the provisions governing the internal appeal process, she has no access to this Tribunal.

5. The complaint is clearly irreceivable and must therefore be dismissed in accordance with the summary procedure provided for in Article 7, paragraph 2, of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 13 May 2011, Ms Mary G. Gaudron, President of the Tribunal, Mr Giuseppe Barbagallo, Judge, and Ms Dolores M. Hansen, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 July 2011.

Mary G. Gaudron
Giuseppe Barbagallo
Dolores M. Hansen
Catherine Comtet