

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

B., R. M., S. and S.

v.

Global Fund to Fight AIDS, Tuberculosis and Malaria

120th Session

Judgment No. 3553

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaints filed by Mr E.B., Mr M. R.M., Mr A.S. and Ms A.A.S. against the Global Fund to fight AIDS, Tuberculosis and Malaria on 31 July 2014;

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

Having examined the written submissions;

CONSIDERATIONS

1. The complainants, in their individual capacity and as duly elected staff representatives, challenged internally a decision of 4 February 2014 which, according to them, affects the freedom of association of the staff of the Global Fund. What they define as the impugned decision before the Tribunal is an e-mail message of 1 May 2014 communicating a decision of the Chair of the Appeal Board, who found their internal appeal irreceivable.

2. The four complaints seek the same redress and are based on identical submissions. It is therefore convenient that they be joined to form the subject of a single judgment.

3. The complainants indicate in their respective complaint forms that they received the impugned decision on the same day, that is 1 May 2014. They filed their complaints with the Tribunal by personally delivering them to the Registry secretariat on 31 July 2014.

4. Article VII, paragraph 2, of the Tribunal's Statute provides that "[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned". It is not within the competence of the Tribunal to extend this period of time set forth by the Statute. The ninety-day period begins to run on the day following the date of notification of the impugned decision. Where the ninetieth day falls on a public holiday, the period is extended until the next business day (see Judgment 2250, under 8).

5. In this case, the ninety-day period provided for in Article VII of the Statute ended on 30 July 2014, which was not a public holiday. Accordingly, the complaints filed on 31 July 2014 are time-barred and clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal (see Judgments 2901, under 11, 2266, under 2 and 3, and 59, under 3).

DECISION

For the above reasons,

The complaints are dismissed.

In witness of this judgment, adopted on 8 May 2015, Mr Giuseppe Barbagallo, President of the Tribunal, Mr Michael F. Moore, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 30 June 2015.

GIUSEPPE BARBAGALLO

MICHAEL F. MOORE

HUGH A. RAWLINS

DRAŽEN PETROVIĆ