

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

B.-L.

v.

WIPO

122nd Session

Judgment No. 3705

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms B. B.-L. against the World Intellectual Property Organization (WIPO) on 28 September 2015 and corrected on 10 November 2015;

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 complainant, relying in particular on Judgment 3225, delivered in public by the Tribunal on 4 July 2013, seeks a recharacterisation of her employment relationship with WIPO.

2. It must be noted that at the time of filing her complaint, the complainant did not have a direct contractual relationship with WIPO but was working for the Organization through a temporary employment agency. Under 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 international organisations that

recognise its jurisdiction. As the complainant cannot be considered an official, she does not have access to the Tribunal (see Judgments 2017, under 2(a), 3049, under 4, and 3550, under 7).

3. The complainant states that she filed her complaint in her capacity as a former WIPO official at grade T.IV. Between 1995 and 2009, she was indeed employed by WIPO as a translator under a series of short-term contracts. However, the Tribunal has previously found that a “T contract” does not confer the status of official (see Judgment 3049 cited above). It should be further observed that the complainant had not requested a recharacterisation of her employment relationship with WIPO at any time before 2014. Any claim made in 2014 on the basis of contracts the last of which ended in 2009 is plainly out of time.

4. The complainant also states that she was engaged under Special Service Agreements (SSA) between 2010 and December 2013. Contracts of this type expressly provide that the persons with whom they are concluded cannot be considered as officials and that any disputes arising from them must be resolved through arbitration. The Tribunal has already ruled that it has no jurisdiction over disputes submitted to it by holders of such contracts (see Judgment 3551).

5. In light of the above, the complaint is clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 5 May 2016, Mr Claude Rouiller, President of the Tribunal, Mr Patrick Frydman, Judge, and Ms Fatoumata Diakité, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 6 July 2016.

(Signed)

CLAUDE ROUILLER PATRICK FRYDMAN FATOUMATA DIAKITÉ

DRAŽEN PETROVIĆ