

**FOR INFORMATION**

SIXTEENTH ITEM ON THE AGENDA

Matters relating to the Administrative Tribunal of the ILO**Statute of the Tribunal**

1. At its 301st Session (March 2008), the Governing Body requested that the Committee have the opportunity to review again the question of the possibility for staff unions and associations to file complaints in their own name before the Administrative Tribunal of the International Labour Organization (ILOAT), which had been deferred.¹
2. In the context of the ongoing reform of the internal administration of justice system at the United Nations, the consequences of the reform for the system as a whole, including for those agencies that use the ILOAT, are under consideration by the High-level Committee on Management (HLCM). The reform includes the creation of a two-tier formal system of administration of justice, in the form of a United Nations Dispute Tribunal and the United Nations Appeal Tribunal, which will become operational as of July 2009. The new system will replace the joint appeals boards, the joint disciplinary committees and the disciplinary committees of the separately administered funds and programmes, as well as (by the end of 2009) the United Nations Administrative Tribunal. A new Office of Administration of Justice will include the registrars of the two tribunals as well as an Office of Staff Legal Assistance (OSLA) established to assist staff members and their volunteer representatives in processing claims through the formal system. Several operational questions remain pending, including the terms of reference of the OSLA and Code of conduct for its professional legal staff, as well as the financial participation of the staff in its operation. The possibility of staff associations filing applications before the Dispute Tribunal in their own name (*locus standi*) was not included in the newly adopted Statute of the Dispute Tribunal which, however, provides that staff associations may request leave to file briefs in the nature of *amicus curiae*. The question of *locus standi* remains pending for discussion at the 65th Session of the UN General Assembly.²

¹ GB.294/8/2(Rev.), para. 58; GB.294/PV, para. 215 (November 2005).

² UN General Assembly: *Administration of Justice at the United Nations*, 30 Dec. 2008(A/63/641).

3. At a consultative meeting to be hosted by the ILO in May 2009, the implications of the above developments for the functioning of the ILOAT and for the organizations which recognize its jurisdiction, and the possible adjustments to be made, will be discussed along with the question of the possibility for staff unions and associations to file complaints in their own name before the ILOAT. All the organizations that have recognized the jurisdiction of the ILOAT will be invited to attend the meeting, including those which have recognized the ILOAT since the last consultations on the subject.
4. In light of the above, it is proposed that the discussion of this item be deferred for review, based on an update of the developments noted, until the 306th session (November 2009) of the Governing Body.

Geneva, 3 March 2009.

Submitted for information.