

Annex IV. Procedure of the Joint Advisory Appeals Board

1. Any case brought to the Joint Advisory Appeals Board shall be filed with its secretary by means of the form prescribed to that effect in any of the three official languages of the Office. Any communication relating to the case addressed to the official shall be written in the language used by the official or in any other official language that s/he is able to understand. The official may appoint a representative, who shall be a former or serving staff member of the Office, the United Nations or a specialized agency, or a Staff Union representative, to act on her/his behalf during the procedure before the Board.

2. The secretary shall verify that the form and documents appended to it meet the necessary requirements and shall call upon the official or the official's representative to correct it, if necessary, within one week.

3. When the above requirements are met, the secretary shall forward one copy to the Director of the Human Resources Development Department. The latter shall appoint a representative, who shall be a former or serving staff member of the Office, the United Nations or a specialized agency, to act on behalf of the Human Resources Development Department during the procedure before the Board.

4. Neither party shall have the right to external legal representation before the Board.

5. The Human Resources Development Department shall dispatch its comments on the case to the secretary of the Board within one month of receipt of notice from the secretary. The secretary shall communicate a copy of the comments of the Human Resources Development Department to the official or the official's representative.

6. Any written communication of the Board with one of the parties shall be copied by the Board's secretariat to the other party.

7. At any time before the panel begins its deliberations in the case, the parties may agree to suspend, for a specified time, the consideration of the case by written notification addressed to the Board's secretariat. If no further action is taken by the official or the official's representative following the specified period of suspension, the Board may consider the matter withdrawn.

8. The official or the official's representative may withdraw the case, with prejudice, at any time before notification of issuance of the report by the panel by submitting a written communication addressed to the Board's secretariat notifying it of the official's intent to withdraw the case.

9. During the completion of the written submissions, the secretary shall coordinate with the chairpersons and members of the Board to determine the composition of the panel that will deal with the case, having considered any objection

raised by the official or the Human Resources Development Department as to the participation of any particular person in the panel.

10. After the composition of the panel has been determined, the secretary shall forward to the chairperson and members of the panel the written submissions of the parties.

11. The panel shall hold as soon as possible a preliminary meeting to determine:

- (a) whether the case is clearly irreceivable or devoid of merit;
- (b) whether the case is to be dealt with as a matter of urgency;
- (c) the need for any further written submissions or inquiry;
- (d) the disclosure of any privileged document requested by either party and the time allowed for the parties to comment on any document so disclosed;
- (e) the need for the appearance of the parties or any witnesses;
- (f) the date of any hearing so decided.

12. If the panel unanimously considers that the case is clearly irreceivable or devoid of merit, it shall address without delay a summary report to that effect to the Director-General. Such report shall contain:

- (a) a summary of the proceedings;
- (b) the outcomes requested by the official and the Office;
- (c) the grounds on which the panel considers the case to be clearly irreceivable or devoid of merit;
- (d) the signature of the chairperson and members of the panel and the date.

13. Where a panel considers that exceptional circumstances could warrant the adoption of interim measures pending the disposal of a grievance, it will inform the Director-General accordingly.

14. In all other cases, the secretary shall notify the parties of the date of any hearings decided by the panel or an indication as to the time frame in which the panel is likely to examine the case.

15. Any hearing shall be held in private at the time decided by the panel and shall be presided over by its chairperson. Hearings may be attended by the official and his/her representative, the representative of the Human Resources Development Department, witnesses called by the panel and the members of the Board's secretariat. The representatives of the official and the Human Resources Development Department may each attend hearings accompanied by one other person meeting the conditions specified respectively in paragraphs 1 and 3 above. Participation in hearings shall be considered official duties.

16. The panel shall deliberate in private.

17. The panel shall address its report to the Director-General within three months of the conclusion of the written submissions by the parties, except where exceptional circumstances require a longer time frame. Such report shall contain:

- (a) a summary of the proceedings;
- (b) the outcomes requested by the official and the Office;
- (c) a summary of the arguments put forward by each party;
- (d) a statement of established relevant facts, including reference to the document or witness statement on which the findings are based;
- (e) reference to any interim communication under paragraph 13 above;
- (f) its recommendations on each of the conclusions of the parties, including the grounds;
- (g) an indication as to whether the recommendations are unanimous or by majority, as well as any minority views that may be added;
- (h) the signature of the chairperson and members of the panel and the date.

18. The secretary of the Board shall notify the official of the date of issuance of the report under paragraphs 12 or 17 above.

19. Where the panel's report is written in a language that the official is not able to understand, the Office shall arrange for its translation into the language of the grievance on time for its communication to the official in accordance with article 13.3.4 of these Regulations.

20. All proceedings of the Board are confidential. Any breach of confidentiality shall be considered serious misconduct.

21. The expenses necessary for the proceedings of the Joint Advisory Appeals Board shall be borne by the Office.

22. The Joint Advisory Appeals Board shall report annually to the Joint Negotiating Committee on activities undertaken and general trends of its work.