



# Governing Body

343rd Session, Geneva, November 2021

Programme, Financial and Administrative Section

PFA

Personnel Segment

**Date:** 14 October 2021

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First item on the agenda

## Matters relating to the Administrative Tribunal of the ILO

### Administrative arrangement to improve case management

#### Purpose of the document

This document contains a proposal for an administrative arrangement which would permit one of the seven judges of the Tribunal to be available between sessions so as to expedite case management and render the overall functioning of the Tribunal more efficient (see the draft decision in paragraph 8).

**Relevant strategic objective:** None.

**Main relevant outcome:** Enabling outcome C: Efficient support services and effective use of ILO resources.

**Policy implications:** None.

**Legal implications:** None.

**Financial implications:** Increase in the annual overhead costs of the Tribunal.

**Follow-up action required:** Subject to the Governing Body's approval, implementation of the administrative arrangement on a trial basis.

**Author unit:** Office of the Legal Adviser (JUR).

**Related documents:** None.



1. By virtue of Article IX(1) of the Tribunal's Statute, the administrative arrangements necessary for the operation of the Tribunal are made by the Office in consultation with the Tribunal.
2. In response to a request sent by the President of the Tribunal to the Director-General of the ILO, and in close consultation with the Tribunal, the Office has developed a proposal for an administrative arrangement which would permit one of the seven judges (preferably the President or Vice-President) to be available in Geneva between sessions of the Tribunal so as to expedite case management thus rendering the overall functioning of the Tribunal more efficient and ensuring timely judgment delivery.
3. The proposed arrangement is part of the Tribunal's ongoing efforts to improve its working methods and should be considered in the context of the considerable increase in the number of complaints filed with the Tribunal in recent years (205 complaints lodged in 2012 and 318 in 2020) as well as changes in the Rules of the Tribunal (including a fast-track procedure, request for anonymity of judgment, summary dismissals) which have resulted in a growing number of procedural requests calling for speedy decisions by the Tribunal's President or Vice-President. In addition, the persisting backlog of cases is affecting the timeliness of judgment delivery.
4. Having a judge who would be involved on an almost daily basis with case management is expected to result in considerable efficiency gains. The additional case management and coordination tasks to be undertaken by the judge concerned would include, for instance, identifying clearly irreceivable or devoid of merit complaints; prioritizing or grouping cases assigned to each session; dealing with requests for written submissions, or requests for the production of documents or for extending time limits; ordering any measure of investigation between sessions; making provisional orders; and recording withdrawals of complaints.
5. As regards the financing of the proposed arrangement, it is proposed that the judge concerned be paid a salary on the basis that he or she will be devoting 50 per cent of their time to case management tasks while the remainder of the remuneration would be fees for participating in the Tribunal's deliberations either as reporting judge or as panel member. Aligning with the practice of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal,<sup>1</sup> the judge concerned would be paid a salary equivalent to a D2 level at 50 per cent, which would represent an annual cost estimate of US\$159,000.
6. The salary of the judge concerned would be included in the overhead costs of the Tribunal which are apportioned among all organizations having recognized the Tribunal's jurisdiction based on the number of their staff. This would result in a 24.3 per cent increase in the annual overhead costs of the Tribunal. In concrete terms, and based on the current rate of contribution of the organizations having recognized the Tribunal's jurisdiction, the increase in annual overhead costs per organization would represent approximately US\$7,059 for the ILO (4.44 per cent participation in overhead costs), US\$30,846 for the International Organization for Migration (19.4 per cent), US\$28,461 for the Food and Agriculture Organization of the United Nations and the World Food Programme (17.9 per cent), US\$18,444 for the World Health Organization and the Joint United Nations Programme on HIV/AIDS (11.6 per cent) and US\$4,881 for the United Nations Educational, Scientific and Cultural Organization (3.07 per cent). The organizations paying the minimal contribution of US\$1,000 will not be affected. The

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<sup>1</sup> United Nations General Assembly resolution [A/RES/63/253](#).

organizations concerned have been duly consulted and have raised no objection to the proposal. One organization suggested a shorter trial period and also considered that more information would be required on the selection process of the judge concerned, especially if there was interest from multiple judges.

7. The proposed arrangement does not require any amendment to the Statute of the Tribunal. The Tribunal may nonetheless need to amend its Rules to reflect the new modalities. It would be for the Tribunal itself to nominate the judge who would undertake the additional tasks and decide how to make best use of them to enhance its output and effectiveness. The Tribunal has expressed the hope that the new arrangement be implemented as of 1 January 2022 for a trial period of five years.

## ▶ Draft decision

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8. **The Governing Body decided to approve the administrative arrangement outlined in document GB.343/PFA/15/1 to improve the functioning of the Tribunal, with effect from 1 January 2022 for a trial period of five years.**