



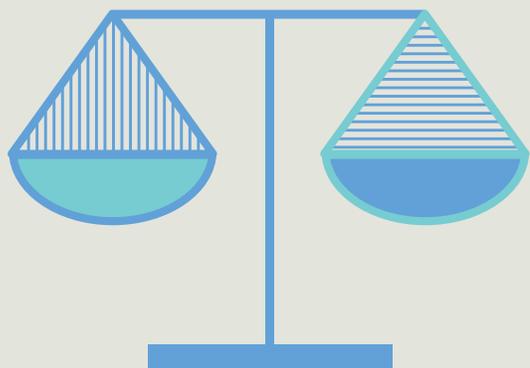
ADMINISTRATION OF JUSTICE
= **AT THE UNITED NATIONS** =

A STAFF MEMBER'S

GUIDE

TO

**RESOLVING
DISPUTES**



**“To build a world of justice,
we must be just.”**

—Dag Hammarskjöld

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CHAPTER

INTRODUCTION

THE United Nations works for the common good of all, on a multitude of global issues on which humanity's future depends. Its staff members come from the Organization's 193 Member States, and represent a wide range of peoples and cultures. Like in every other workplace that brings together different people from different backgrounds: disagreements can arise. There can be miscommunication misunderstanding and conflict in an office. A staff member may not feel s/he has been treated fairly.

At such times, when a staff member has a grievance, s/he may not know where to turn, or who can assist him in dealing with the situation.¹

The current system of administration of justice, which deals with employment-related disputes at the United Nations, was approved by the General Assembly, and came into effect on 1 July 2009. The goal is to create an independent, transparent and professionalized system which is adequately resourced and decentralized, and whose working methods are consistent with international law, the principles of the rule of law, and due process.

At the same time, the General Assembly places a strong emphasis on informal resolution of work-related disputes. However, if attempts at informal resolution do not lead to a satisfactory outcome, and the staff member then feels a formal litigation process is necessary, the formal mechanisms within the United Nations internal system of administration of justice are there to ensure that the rights of United Nations system staff

members are respected, and managers and staff members understand their respective obligations and are held accountable for their actions and decisions. Staff should feel confident that if they do seek justice through the formal United Nations internal justice mechanisms, the system will be accessible, the professional and independent judges will hear their case, the judgment will be fair, and they can have access to professional legal advice.

This booklet explains how the internal system of administration of justice at the United Nations works. Staff members are encouraged to read this booklet thoroughly, and, for further information on the system, to visit the Administration of Justice at the UN website at www.un.org/en/internaljustice. Staff members can contact the Office of Staff Legal Assistance if they need legal assistance and advice at osla@un.org.

Before explaining the dispute resolution process in more detail, we will explain why the United Nations needs to have an internal system of justice, what the goals of the system are, and how informal means of conflict resolution can also work for you.

¹ This document is only intended to serve as a general outline of the internal justice system and should not be construed as a comprehensive document containing any authority as to the Staff Regulations and Rules or any other policy of the Organization.

THE United Nations system has offices and operations in many countries, allowing it to carry out the work it does on the important global issues it is responsible for. All staff members are expected to know and comply with the Organization's regulations and rules, which regulate their employment and conduct, and to comply with the local laws of the country they work in. At the same time, staff members cannot take workplace disputes to local courts and authorities, due to the privileges and immunities the United Nations has from the laws of Member States.

The special status of the United Nations leaves the Organization with the responsibility to provide a fair and impartial internal justice system, which can effectively resolve disputes arising from a staff member's employment.

Staff members are bound by the Organization's legal framework as they carry out their work around the world.² This framework includes Staff Regulations and Rules, and administrative issuances.³ The legal framework guides the decision-making within the Organization and regulates staff members' conduct. The legal framework can seem complex. It is open to interpretation and its rules change over time. A manager may have one interpretation of a rule, and a staff member may have another. Whatever the reason for the disagreement, it is in the Organization's interest that it is resolved in a timely and effective manner to foster a healthy and harmonious work environment.

The objective of the United Nations internal administration of justice system is to resolve workplace disputes in a timely fashion. This in turn generates the following outcomes:

1. Contributing to the maintenance of a healthy, harmonious and respectful working environment in United Nations offices and operations world-wide, so as to allow the Organization to continue to perform efficiently and effectively.
2. Interpreting and clarifying the legal framework, giving managers and staff members a clearer idea of their obligations and rights moving forward.
3. Increasing transparency in the workplace and promoting accountability for both managers and staff members.
4. Providing staff members with legal assistance and options for how to resolve disputes when they arise.

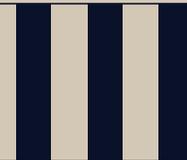
² Staff members should refer to the legal framework specific to their organization. Organizations which accept the jurisdiction of the United Nations internal justice system are listed on the Administration of Justice at the UN website: www.un.org/en/internaljustice/overview/who-can-use-the-system.shtml.

³ Each organization, entity or agency that accepts the jurisdiction of the United Nations Dispute Tribunal or the United Nations Appeals Tribunal has its own legal framework.



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CHAPTER



INFORMAL
WAYS TO
RESOLVE
DISPUTES

BEFORE bringing a grievance to the formal component of the system, staff members are strongly encouraged to make every effort to resolve the dispute informally. Attempts at informal resolution are often more effective when begun as early as possible.

As part of the informal process, staff should become familiar with the rules and procedures related to the matter that causes their concern. Staff members are also encouraged to speak to their colleagues, supervisor, executive officer, or a manager they trust to get their feedback and advice on how they might be able to resolve the issue within their office or department.

At any time, the staff member may also contact the Ombudsman to seek assistance, and possible intervention.

Taking an informal approach to resolving a dispute can be preferable for the staff member and any other party that is involved. Informal dialogue is often less stressful than formal legal action, offers more control of the outcome and often creates mutually beneficial solutions. The outcome is agreed to by both parties, as opposed to cases brought before the Tribunal whose judgment may be in favour of one party only.

It can also take much less time to discuss finding a solution to a grievance than it takes to work the case through the formal system.

Using informal means of resolving disputes does not in any way preclude a staff member from bringing a case to the formal component of the system. However, staff members should be mindful that using informal means of resolving disputes does

not necessarily pause the deadlines applicable to the formal resolution of disputes, as explained in Chapter VII.

At any stage of a dispute, a staff member of the UN Secretariat or the separately administered funds, programmes or entities may seek legal assistance from the Office of Staff Legal Assistance. This office can provide advice and counsel during the informal process, as well as if the staff member decides to proceed with a formal action.

Ombudsmen and mediators can be a key resource to assist staff members who are seeking guidance as to where to take their concerns and how to take their concerns forward, or are weighing on the implications of raising their concerns. Informal resolution services are available before, during, or in place of a formal complaint, while providing an alternative to litigation with opportunities to transform potentially volatile situations into ones of mutual understanding.

As a designated informal conflict resolution resource, the Ombudsman offers opportunities to: **(1)** discuss a problem off-the-record and in confidentiality outside normal United Nations channels; **(2)** explore alternatives for resolving a problem and learn what resources are in the system; **(3)** increase the staff member's ability and confidence to deal with conflict; **(4)** receive coaching and guidance on how to present an issue or concern.

The guiding principles of Ombudsmen are independence, neutrality, impartiality, confidentiality and informality: an ombudsman or mediator is a designated, independent neutral who will not take sides in a conflict; he or she cannot impose a solution nor make a managerial decision; the outcome of the process is entirely

controlled by the parties in the dispute; all communications in the process are confidential and cannot be disclosed without permission.

Apart from dispute resolution services, Ombudsmen may also promote conflict competence and make recommendations for improvements to the work environment based on observations of systemic issues and trends.

The Ombudsman can handle a wide range of work-related issues, including disputes relating to contract renewal, fair treatment, staff selection, benefits and entitlements, interpersonal issues or situations in which staff members feel that they have been mistreated. Services provided by the Ombudsman may include facilitation, problem-solving, shuttle diplomacy, mediation and conflict coaching. They are provided on a case-by-case basis for individuals and/or groups, offering direct and in-person methods whenever possible and remote intervention when in-person intervention is not possible.

Staff members can also make use of mediation. Mediation is a voluntary process and so gaining agreement by both parties to participate in the mediation process is vital, as mediation cannot take place if one party declines to take part. By bringing parties together in a strictly confidential setting, a mediator facilitates a meaningful dialogue, allowing each party to feel that they have been heard and helping to uncover their underlying needs and interests, thus heightening the potential for an amicable resolution. The process also helps to repair working relationships and, in doing so, develops a long-lasting harmonious work environment. The United Nations Dispute Tribunal may refer cases for mediation.

If the assistance of the Ombudsman does not lead to a solution, and other informal attempts to resolve the dispute have failed, the staff member may wish to move forward with bringing his grievance to the formal process.

It is possible for a case that has been brought before the formal component of the United Nations internal justice system to be referred to mediation by a judge of the United Nations Dispute Tribunal, if the parties agree to this. If mediation does not lead to a settlement, the case then returns to the formal component for judgment.

Please note: Once you have moved beyond the informal process (if that method of conflict resolution was pursued), and you have requested a management evaluation, or if you have filed an application before the United Nations Dispute Tribunal and/or have subsequently filed an appeal before the United Nations Appeals Tribunal, you still have the option of seeking a solution through informal means.

Apart from the United Nations Ombudsman and Mediation Services (UNOMS) which serves the Secretariat, there are separate, dedicated Ombudsmen and mediation services for UNDP, UNICEF, UNFPA, UNOPS, UN Women and UNHCR. Ombudsmen for the United Nations separately administered funds, programmes and entities are based in New York, and for UNHCR, in Geneva and Budapest. They provide services to the entire global workforce including interns, United Nations Volunteers and other non-staff personnel.

For more information on UNOMS, go to:
<http://www.un.org/en/ombudsman>



CHAPTER

IV

FORMAL
RESOLUTION
OF DISPUTES

AS a staff member of the UN Secretariat or the separately administered fund, programme or entity, you can formally contest any administrative decision that you believe has impacted you negatively and which may have violated your employment rights. It is important to make informed decisions when pursuing this recourse: A staff member must be aware of the pertinent Staff Regulations and Rules and their rights and obligations thereunder. Not every administrative decision that might affect a staff member's conditions of service negatively is unlawful.

There are several steps involved in formally contesting an administrative decision. Each step has deadlines unique to that step. A staff member who wants to use the formal appeal mechanisms should be aware, before s/he proceeds, of the steps s/he needs to take, the sequence of those steps, and the deadlines s/he must meet for each step. (The deadlines for each step are explained in detail in Chapter VII.)

As already stated, staff members are encouraged to first try informal means of resolving disputes. If a staff member is not satisfied with the results of the informal process, s/he may then wish to use the formal method of resolving disputes.

MANAGEMENT EVALUATION

The first step in the formal process for contesting an administrative decision is to request management evaluation. In the UN Secretariat, management evaluations are carried out by the Management Evaluation Unit (MEU) in the Office of the Under-Secretary-General for Management. The separately administered

UN funds, programmes and entities carry out management evaluations through their own administrative structures.⁴

Management evaluation involves an objective review of the contested decision by legal staff who were not part of the decision-making process. Based on this review, MEU or the relevant office in the separately administered funds, programmes and entities, provides a recommendation to the Under-Secretary-General for Management or the corresponding management executive in the UN fund, programme or entity, who decides if the contested administrative decision was made in accordance with the Organization's legal framework. If the management evaluation concludes that the contested decision was made improperly, the staff member is provided with a remedy, which could include changing the decision. In appropriate cases, at the management evaluation review stage, possible options may be considered to resolve the matter informally, including suggesting referral of the case to the Ombudsman.

The management evaluation has two main purposes: (a) to give management a chance to correct itself in the event of flawed administrative decision-making, and (b) to reduce the number of overall cases that need to proceed to litigation before the United Nations Dispute Tribunal.

⁴ Staff members of other UN entities must consult the legal framework of their organizations.

A management evaluation is a mandatory first step in the formal process, unless (a) the contested decision involves the imposition of a disciplinary or non-disciplinary measure pursuant to staff rule 10.2 following the completion of a disciplinary process, or (b) if the decision was taken based on the advice of technical bodies. In such cases, an application contesting an administrative decision can be made to the United Nations Dispute Tribunal without first having to request a management evaluation.

TIMELINE

A United Nations staff member has 60 calendar days after the date of notification of the decision s/he is contesting to request a management evaluation of the decision. The management evaluation should conclude within 45 days for requests coming from staff in the field or within 30 days for requests from United Nations Headquarters in New York (Geneva Headquarters for UNHCR).

THE UNITED NATIONS DISPUTE TRIBUNAL

If a staff member, following a management evaluation (if required), considers that an administrative decision violates her employment rights s/he can file an application to the United Nations Dispute Tribunal (UNDT).

The UNDT is competent to decide on applications against administrative decisions taken by the entities listed at the website of the Administration of Justice at the UN:

www.un.org/en/internaljustice/overview/who-can-use-the-system.shtml.

The UNDT operates on a full-time basis. It comprises five professional independent judges (three full-time and two half-time). The UNDT is supported by registries in New York, Geneva and Nairobi. The UNDT also has three professional independent ad litem—or temporary—judges to strengthen its capacity to handle the pending number of cases.

After the staff member files the application, the UNDT examines the facts of the case, and conducts, when necessary, oral proceedings. These are normally held in public and can be attended by interested individuals. Cases before the UNDT are usually considered by a single judge. For particularly complex or important cases, a three-judge panel may be convened.

The judgments of the UNDT are binding on the parties (the staff member and the Secretary-General). Both parties have the right to appeal a judgment to the United Nations Appeals Tribunal.

TIMELINE

The timeline for filing an application with the UNDT is outlined in detail in Chapter VII of this booklet. Please read the UNDT timeline carefully. Take note of all deadlines, and please be sure to follow them.

THE UNITED NATIONS APPEALS TRIBUNAL

Judgments and certain orders by the UNDT may be appealed, by the staff member, who has filed the case, or by the Secretary-General, to the United Nations Appeals Tribunal (UNAT).

Apart from deciding appeals against judgments and interlocutory orders of the UNDT, UNAT is competent to decide appeals against judgments and interlocutory orders issued by UNRWA DT and decisions taken by the heads of other entities listed on the website of the Administration of Justice at the UN:

<http://www.un.org/en/internaljustice/overview/who-can-use-the-system.shtml>.

The Statute of UNAT allows for appeals where it is alleged that the UNDT, or another first instance entity, has either exceeded its jurisdiction or failed to exercise it; or that it has made an error on a question of fact or law or procedure.

UNAT is composed of seven professional independent judges, and its Registry is based in New York. It normally holds three sessions a year.

TIMELINE

The timeline for filing an appeal with UNAT is outlined in detail in Chapter VII of this booklet. Please read the UNAT timeline carefully. Take note of all deadlines, and please be sure to follow them.

THE OFFICE OF ADMINISTRATION OF JUSTICE

When the system of internal justice was created by the United Nations General Assembly, the General Assembly decided that the system should be independent.

The Office of Administration of Justice (OAJ) was established at the outset of the system with the rationale that “a separate Office of Administration of Justice, with operational and budgetary autonomy, would ensure the institutional independence of the system of internal justice”.

The OAJ, headed by an Executive Director appointed by the Secretary-General, is responsible for coordinating the functioning of the formal components of the United Nations internal justice system and ensuring that it functions in a fair, transparent, and efficient manner.

The Office of Staff Legal Assistance, without prejudice to its operational independence, and the Registries of the UNDT and UNAT are all part of the OAJ. With its headquarters in New York, the OAJ also has a presence—through the UNDT registries and branch offices of the Office of Staff Legal Assistance—in Geneva, and Nairobi, and additionally—through branch offices of the Office of Staff Legal Assistance—in Addis Ababa, and Beirut. The Executive Director of the OAJ is also responsible for reporting on systemic issues relating to the administration of internal justice, and recommending changes to regulations, rules and other administrative issuances that would improve the functioning of the system.

Further information on the office can be found on the Administration of Justice at the UN website:
<http://www.un.org/en/internaljustice/oaj>.



CHAPTER

V

THE OFFICE OF
STAFF LEGAL
ASSISTANCE

AT any stage of a dispute, or even in anticipation of a dispute, a staff member may seek advice and assistance from the Office of Staff Legal Assistance (OSLA).⁵ OSLA can advise on the legal merits of a case and what options the staff member might have. If a staff member chooses to proceed with a case in the formal system, OSLA is available to assist throughout the process and, unless the case is unlikely to succeed, will provide representation.

United Nations system staff members will not incur any direct personal legal fees at any time for the assistance provided by OSLA, whether for advice while seeking an informal resolution of a dispute, or later in the process for advice and representation if the staff member decides to go through the formal process. This legal service is financed by the United Nations and supplemented by staff members through a voluntary contribution mechanism. All staff are encouraged to contribute.

OSLA is staffed by professional full-time lawyers, experts in employment and administrative law and trained litigators, at Headquarters in New York, as well as in Geneva, Nairobi, Addis Ababa and Beirut.

⁵ A staff member may choose to retain outside counsel at his/her own expense or to be represented by another staff member or a former staff member, or may also represent himself/herself.

Further information on OSLA including how to contact it can be found on the website of the Administration of Justice at the UN: <http://www.un.org/en/internaljustice/osla>.



CHAPTER

VI

THE INTERNAL
JUSTICE COUNCIL

THE General Assembly established the Internal Justice Council (IJC) as part of the new internal justice system in order to help ensure independence, professionalism and accountability in the administration of justice system of the United Nations.

The IJC is composed of five members consisting of a staff representative, a management representative and two distinguished external jurists (one nominated by the staff and one by management), and chaired by a distinguished jurist chosen by consensus by the four other members. The IJC members are appointed by the Secretary-General.

The General Assembly tasked the Council to undertake the search for suitable candidates for the positions of judges when there is a vacancy on the UNDT and UNAT, including conducting interviews, as necessary, and recommending to the General Assembly two or three candidates for each vacancy with due regard to geographical distribution; as well as providing its views on the implementation of the system of administration of justice to the General Assembly.

In accordance with General Assembly resolution 62/228, the judges of the UN Dispute Tribunal and the UN Appeals Tribunal are appointed by the General Assembly on the recommendation of suitable candidates by the IJC. No two judges of a given Tribunal can be of the same nationality.

Further information on the IJC can be found on the website of the Administration of Justice at the UN:
<http://www.un.org/en/internaljustice/overview/internal-justice-council.shtml>



CHAPTER

VII

HOW TO DEAL WITH
WORK-RELATED
DISPUTES

STEP 1***Attempt an informal resolution***

- At first, you are encouraged to try to resolve the dispute informally, at the working level, in your own office or department.
- You can speak to your colleagues, your supervisor, your executive officer, or another manager whom you trust and see if the dispute can be resolved through them.
- Identify which specific administrative decision you are objecting to.
- Familiarize yourself with the regulations, rules and administrative issuances governing the matter you believe has been handled in a manner that violates your rights.
- Know when the decision was made, and the date on which you were notified of the decision. This is important, because there are strict timelines for proceeding with formally contesting an administrative decision.
- At any stage, you may contact an Ombudsman to get confidential advice and to seek their assistance in the matter or possible intervention.
- You may also want to contact OSLA. They will provide legal advice on what options you may have in the formal system, or whether your case may be better resolved through informal means.

- If none of the above leads to an outcome you find satisfactory, you can formally contest an administrative decision. The first phase of the formal process is requesting a management evaluation.
- Requesting a management evaluation is required, unless the decision you wish to contest concerns the imposition of a disciplinary or non-disciplinary measure pursuant to staff rule 10.2 following the completion of a disciplinary process, or if the decision was taken by the administration based on the advice of technical bodies, as determined by the Secretary-General. In such cases, a management evaluation is not required, and the decision can be appealed to the UNDT. (See Step 3 for the UNDT application deadline for such cases.)
- If the decision you wish to contest does not concern the types of decisions described directly above, you need to request a management evaluation. Please note, in appropriate cases those conducting the management evaluation process will consider possible options for informal settlement, and may facilitate such settlement directly with those involved or suggest that the matter be referred to the Ombudsman.

STEP 2***Requesting a Management Evaluation***

- Be aware that the request for a management evaluation must be made within 60 calendar days of the time you received notification of the contested administrative decision. You can get legal advice from OSLA on whether and how to proceed with a request for a management evaluation.

- For staff of the United Nations Secretariat, fill out the form available from the Management Evaluation Unit and submit it along with the pertinent documentation. The form can be requested by writing to meu@un.org, or found at: <https://iseek.un.org/MEU>. The request should be sent to meu@un.org.

or

- If you work in a separately administered fund, programme or entity, a request for management evaluation should be sent to the following email:
 - United Nations Development Programme (UNDP): Achim.Steiner@undp.org with a copy to Susan.McDade@undp.org
 - United Nations Office for Project Services (UNOPS): aoj.notices@unops.org
 - United Nations Children's Fund (UNICEF): hfore@unicef.org with a copy to fndiaye@unicef.org
 - United Nations Population Fund (UNFPA): RME@unfpa.org
 - United Nations High Commissioner for Refugees (UNHCR): hqme@unhcr.org
 - United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women): moez.doraid@unwomen.org and directorate.operations@unwomen.org
- In your request, clearly explain the administrative decision you wish to contest, when the decision was made, who made the decision, and how you believe the decision violates your rights.

- You should receive an outcome, including a reasoned response, to your request for a management evaluation within 30 days, if you work at New York Headquarters (Geneva Headquarters for UNHCR), or within 45 days, if you work at an office away from Headquarters. The response should contain the results of the management evaluation of the contested decision. It should state if the management evaluation has concluded the decision was correct, and if it was deemed not to be correct, what remedy is being proposed.
- If you are not satisfied with the outcome of the management evaluation you may contest the administrative decision by filing an application to the UNDT.
- Please note that if you do not receive a response to your request for a management evaluation within the time frame above, and if you wish to continue pursuing the matter, you may proceed directly to prepare and then file an application before the UNDT. This must be done within 90 days of the date by which you should have received a response to your request for a management evaluation.
- Please be sure to get advice from OSLA or another trusted source, so you **(a)** are clear on what your own deadline is for filing an application with the UNDT before the deadline for filing such an application passes, and **(b)** give yourself and those assisting you enough time to prepare your application to the UNDT, if you decide to proceed with it.

STEP 3*Filing an application with the UNDT*

- Be aware, before proceeding, that OSLA provides legal advice and representation on filing and pursuing an application before the UNDT unless the case is unlikely to succeed. You will not be charged fees for OSLA's advice or representation. (Chapter V describes how OSLA is funded.)
- An application to the UNDT must be filed within 90 calendar days of receipt of the management evaluation outcome or—in cases where you have not received a response—of the date the evaluation outcome was due to be received by you (which is within 30 days from the day you submitted your request for management evaluation if you work at New York Headquarters (Geneva Headquarters for UNHCR), or 45 days, if you work at an office away from Headquarters).
- If you are contesting the imposition of a disciplinary or non-disciplinary measure pursuant to staff rule 10.2 following the completion of a disciplinary process, or if the contested decision was taken based on the advice of technical bodies, as determined by the Secretary-General, the application must be filed within 90 days of the date you were notified of the decision you are contesting.
- If you have sought mediation through the Mediation Division of UNOMS and the mediation was unsuccessful, you have 90 calendar days from the day the mediation ended unsuccessfully to file your application before the UNDT.

- The application to the UNDT should be filed directly with the Registry of the UNDT.
- The UNDT will examine the facts of the case, conduct oral hearings as necessary, and decide the matter.
- Judgments of the UNDT are binding on the parties.
- Applications to the UNDT can be filed electronically. Further information on the UNDT, including how to electronically file an application, can be found on the website of the Administration of Justice at the UN: <http://www.un.org/en/internaljustice/undt>.
- A judgment can be appealed to UNAT by either party.

STEP 4*Filing an appeal with UNAT*

- An appeal to UNAT must be filed within 60 calendar days of receipt of the judgment of the UNDT; or 30 days from receipt of an interlocutory order of the UNDT.
- The appeal should be directed to the Registry of UNAT in New York.
- UNAT's judgment is final and binding on the parties.
- Further information on UNAT, including how to electronically file an appeal, can be found on the website of the Administration of Justice at the UN: <http://www.un.org/en/internaljustice/unat>.

STAFF GRIEVANCE

Staff member not satisfied with an administrative decision may address his/her grievance through either or both of the informal and formal systems (within applicable deadlines).¹

STAFF LEGAL ASSISTANCE

At any stage of the dispute resolution process, staff may request legal advice and/or legal representation from OSLA before any of the dispute resolution mechanisms in both of the informal and formal systems

FORMAL SYSTEM²

MANAGEMENT EVALUATION

Staff member requests management evaluation of the decision where required³

FIRST INSTANCE TRIBUNAL

If not satisfied with the outcome of management evaluation (where required), or if challenging decisions taken pursuant to advice from technical bodies or in disciplinary matters, staff member can file an application before the UNDT

FINAL INSTANCE TRIBUNAL

Either party may appeal UNDT judgements to UNAT

Individuals may also appeal decisions by UNJSPB and certain entities⁶

UNAT decisions are final and binding on the parties

REFERRAL

UNDT may refer the dispute for mediation, if the parties agree

INFORMAL CONFLICT RESOLUTION

Ombudsman and mediation services provided by UNOMS⁵

INFORMAL SYSTEM⁴

ACRONYMS (alphabetically):

OSLA—Office of Staff Legal Assistance

UNAT—United Nations Appeals Tribunal

UNDT—United Nations Dispute Tribunal

UNOMS—United Nations Ombudsman and Mediation Services

¹ Staff members have other sources of support for resolving disputes including peers, programme managers, human resources, the Ethics Offices, staff unions and staff associations, staff counsellor; legal offices handling staff grievances on the part of the Secretary-General also contribute to amicable resolution of disputes.

² At any time during the formal resolution process, staff member and decision-maker can attempt to resolve the dispute informally, with or without assistance of UNOMS.

³ Management evaluation of an administrative decision is a required first step except for decisions taken pursuant to advice from technical bodies or in disciplinary matters which are filed directly before the UNDT. Offices conducting management evaluation and OSLA can also suggest informal resolution of the dispute and refer to UNOMS.

⁴ Attempts to resolve a dispute informally do not preclude formal resolution (within deadline) if informal resolution is unsuccessful.

⁵ UNOMS includes ombudsman and mediation services for the UN Secretariat and UN funds and programmes and UNHCR.

⁶ For a complete list of these entities, agencies and organizations see: <http://www.un.org/en/internaljustice/overview/who-can-use-the-system.shtml>



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CHAPTER

VIII

OTHER SOURCES OF
SUPPORT AND GUIDANCE
AT THE UNITED NATIONS
FOR RESOLVING WORK-
RELATED DISPUTES AND
PROBLEMS

IN addition to the informal and formal methods of resolving work-related disputes and grievances mentioned in this booklet, there are other sources of support at the United Nations you can turn to if you are seeking resolution of a work-related dispute or if you are having a problem at the office. Some of these are:

- Peer support
- Programme managers
- Human Resources
- The Ethics Offices (United Nations, UNDP, UNFPA, UNHCR, UNICEF, UNOPS)
- UN Staff Unions and Staff Associations
- Staff Counsellor at your duty station

PROGRAMME MANAGERS

Programme managers are accountable to the Secretary-General or to the Executive Head of the United Nations fund, programme or entity for ensuring the proper management of the departments, offices and missions they lead. This includes maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of authority. When informal resolution of a problem is not possible or appropriate, alleged prohibited behaviour should be reported to the head of department, office or mission. In peace operations, it should be reported to the Conduct and Discipline Units.

ETHICS OFFICES

The Ethics Offices (United Nations, UNDP, UNFPA, UNHCR, UNICEF, UNOPS) provide confidential advice and guidance on United Nations standards of conduct and possible conflicts of interest, administer their respective financial disclosure programmes, conduct preliminary reviews and make determinations on requests for protection against retaliation for having reported misconduct or cooperated with audits and investigations, and can provide information on related procedures.

Staff can find further guidance in publications such as:

- “The Roadmap: a Staff Member’s Guide to Finding the Right Place”, issued by the United Nations Ethics Office which can be accessed at: <http://www.un.org/en/ethics/pdf/roadmap.pdf>.
- “Where to go When: a Resource Guide for UNDP Personnel”, available from the UNDP Ethics Office
- “The UNHCR Ethics Office: An Introduction”, available from the UNHCR Ethics Office

STAFF COUNSELLOR’S OFFICE

The Staff Counsellor’s Office, under the Office of Human Resources Management in the Department of Management, provides support, guidance and professional help to UN Secretariat staff members who may be facing a crisis or personal concerns.

The goal of the Staff Counsellor's Office is to improve mental health and overall wellness for United Nations Secretariat staff members. The Office also provides assistance on practical, work-related issues such as visas and other host country matters, mission readiness, child care and retirement.

UN FOCAL POINT FOR WOMEN

The United Nations Focal Point for Women, in addition to monitoring and advocating for gender balance, also provides counselling and guidance for female UN Secretariat staff who contact the Office.

There are also departmental focal points for women, whose task is to support the head of department/office/mission in achieving gender balance.

The departmental focal points for women may counsel, advise and assist women on issues affecting their career development, or methods to resolve situations involving harassment, including sexual harassment, discrimination or abuse.

For more information, please see the Secretary-General's bulletin "Departmental focal points for women in the Secretariat", ST/SGB/2008/12.

OTHER RELEVANT DOCUMENTS

General Assembly resolutions, reports of the IJC and reports of the Secretary-General on the administration of justice can

be accessed via the key documents page on the website of the Administration of Justice at the UN:

<http://www.un.org/en/internaljustice/overview/key-documents.shtml>.

Code of conduct for legal representatives and litigants in person, and code of conduct for the judges together with the mechanism for its implementation can be found on the OSLA, UNDT and UNAT conduct pages of the website of the Administration of Justice at the UN:

<http://www.un.org/en/internaljustice/osla/conduct.shtml>

<http://www.un.org/en/internaljustice/undt/conduct.shtml>

<http://www.un.org/en/internaljustice/unat/conduct.shtml>



CHAPTER

IX

IMPORTANT
TIMELINES

The following table explains timelines applicable to staff members of the UN Secretariat and funds, programmes and entities.

SUBMISSION	Request for management evaluation*	Administration to provide management evaluation	Application to UNDT	90 DAYS from receipt of the administrative decision in cases where a management evaluation is not required; 90 DAYS from the day the mediation broke down in cases where mediation through the Mediation Division of UNOMS was undertaken. UNDT rules of procedure, Article 7.1	Appeal to UNAT**	Respondent's Answer to UNAT**	Cross-Appeal to UNAT**
TIME LIMIT***	<p>60 DAYS after the staff member was notified of the contested administrative decision</p> <p><i>Staff rule 11.2 (c)</i></p>	<p>30 DAYS New York Headquarters staff (Geneva Headquarters staff for UNHCR);</p> <p>45 DAYS non-Headquarters staff</p> <p><i>Staff rule 11.2 (d)</i></p>	<p>90 DAYS from receipt of management evaluation, or 90 days from date evaluation should have been received (namely, 30 DAYS for disputes arising at Headquarters and 45 DAYS for disputes arising at other offices);</p>		<p>60 DAYS from receipt of judgment of the UNDT</p> <p>30 DAYS from receipt of an interlocutory order of the UNDT</p> <p><i>UNAT Statute, Article 7.1.c; UNAT rules of procedure, Article 7.1</i></p>	<p>60 DAYS from receipt of appeal transmitted by Registrar</p> <p><i>UNAT rules of procedure, Article 9.3</i></p>	<p>60 DAYS from notification of the appeal</p> <p><i>UNAT rules of procedure, Article 9.4</i></p>

* A management evaluation is not required for (a) a decision to impose a disciplinary measure or non-disciplinary measure pursuant to Staff Rule 10.2 following the completion of a disciplinary process, or (b) a decision taken based on the advice of technical bodies. In those cases an application can be made to the UNDT.

** See a complete list of UNAT time limits for all organizations, agencies and entities that accepted UNAT's jurisdiction at <http://www.un.org/en/internaljustice/unat/time-limits.shtml>

*** References to days in the time limits are calendar days.

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