



Staff Union
of the International Labour Organization
Syndicat du personnel
de l'Organisation internationale du Travail
Sindicato del personal
de la Organización Internacional del Trabajo

FAQ on legal recourses against salary reductions imposed to the ILO staff based in Geneva

1. What is the post adjustment?

The post adjustment is a component of the remuneration of P and D staff which is determined by comparing the cost-of-living at the duty station and in New York, and the exchange rate between the local currency and the dollar.

Each month, the pay slip of each P or D official indicates the applicable multiplier, applied to the net base salary to provide net remuneration.

2. Why file a complaint?

The Geneva post adjustment has been reduced following an arbitrary ICSC decision in New York. The administration shares the Staff Union's position on this point as clearly demonstrated by the document [GB.332/PFA/11](#) submitted at the March 2018 session of the Governing Body.

During the past year, the Administration and the Staff Union have tried to reason with the ICSC but without success. Following the March 2018 session of the Governing Body, the Director-General finally decided to apply the salary reduction because of political pressures from a number of governments. The first cut has been applied in April to ILO officials, reducing by over 3% their net take-home pay. An additional reduction of 2% will be applied in June.

To ensure their rights are respected and to obtain reimbursement of the undue salary deductions, the officials are therefore forced to appeal this decision before the HRD and then, the ILO Administrative Tribunal.

3. Who can file an appeal

All P staff and above in Geneva can file a complaint. This includes officials with permanent contract (WLT), fixed-term, short-term and Special Short Term (SST), whether they are on regular budget or on technical cooperation. The only requirement to complain is to have received a pay slip in April 2018 or after as P or D staff.

You can also file a complaint after the month of April if you have left on retirement or for another duty station. If you are on leave without pay, you will be able to file a complaint upon your return.

4. How to file a complaint? (or appeal)

It is simple : complete the [power of attorney](#) and the [information sheet](#) information sheet and bring them to the ILO Staff union Secretariat (Office 5.61, tel 8860) with your pay slip from

March and April 2018 (if you are in a particular situation, we will indicate which pay slips will be required). If you have any question, contact us at: syndicatlegal@ilo.org.
The staff union guarantees the confidentiality of information that are provided to it by staff.

5. Why do I need to sign a Power of Attorney?

The Staff Union offers to its members the possibility of benefitting from union representation for this legal appeal. The Rules of the ILOAT require that each official who appoints a representative for presenting a claim before the Tribunal must provide an original signed power of attorney. This further allows to simplify the whole proceedings and to avoid processing delays including by submitting a single common brief to present our arguments and to ensure that all correspondence is addressed directly to the Staff Union.

6. What is the deadline to file an appeal?

An official has a 6-month timeframe to *“file a grievance on the grounds that s/he has been treated in a manner incompatible with her/his terms and conditions of employment”* ([Article 13.2.1 of the Staff Regulations](#)).

The appeal will be introduced against the April 2018 payslip which implements the decision to reduce the post adjustment. However, in the interest of all (Administration and colleagues), we wish to accelerate the process to the greatest extent possible and file appeals as soon as possible.

7. What are the different steps of the appeal process?

A. Once you have signed the information sheet and the power of attorney, the Staff Union Legal Adviser will file a grievance on your behalf before the HRD as required by the Staff Regulations (article 13.2.1).

B. HRD shall render a detailed response within three months. The Director-General has announced that, in its response, the Administration will authorize the concerned officials to file a complaint directly before the Tribunal without having to submit the complaint before the JAAB (Joint Advisory Appeals Board, “CCPR” in French).

C. The Staff Union Legal Adviser will prepare and submit the complaint along with the brief to the Tribunal. The Tribunal will render its final decision on the appeals, probably in 2019.

The Staff Union will be responsible for the follow-up of the appeals at various stages of the process and will keep you informed.

8. Why do I have to file an individual complaint if we are several officials to be affected? Wouldn't a class action or collective action be more efficient?

Class actions or collective complaints are not allowed by the current rules of procedure of the ILO Administrative Tribunal neither are they provided for in the ILO Staff Regulations.

It is therefore necessary for each concerned official to file an appeal to preserve their rights. However, it is possible for the Tribunal to combine the complaints for officials in similar

situation of facts and law and to render a single decision, applicable to all officials in that group of complainants.

9. Why file complaints if the Administration intends to apply to the entire staff in the same situation the Tribunal's decision whether or not they have appealed?

The Administration is not legally bound to apply in its entirety the Tribunal's decision to all officials, like for instance a retroactive salary reimbursement or compensation for moral damages. There is also no guarantee that the governments which put pressure on the Office in March 2018 will not do the same thing after the Tribunal's decision is rendered to avoid a general reimbursement.

Moreover, these numerous appeals will provide an essential support for the ongoing and future Staff Union's efforts and of the international staff federations in view of ICSC reform and to avoid that this situation happens again in the future.

These efforts to improve the ICSC's governance also concern our colleagues in other categories (GS and NO) both in headquarters and in other duty stations because the ICSC is also involved in the local salary surveys for them.

Let's send a clear message that international civil servants do not accept arbitrary decisions and ensure their rights are respected!

10. What can I obtain in case my appeal is successful?

The Staff Union is very proud of the trust you have put in it throughout the last year, which already enabled to contain the salary reduction to around 5% instead of the 8% announced in 2017. It is also conscious of what is at stake in this new legal battle and trusts it relies on a solid foundation for the appeals to be successful.

Of course, **it is however impossible to guarantee in advance the outcome of appeals before the Tribunal.**

In case we are successful in the main proceedings against post adjustment, you may obtain:

- The application for the future of a non-reduced post adjustment;
- The retroactive reimbursement of the part of your salary you have been unjustly deprived of, plus interest for the delay,
- And compensation for moral damages.

11. Does the appeal costs anything?

No. You benefit from this service **free of charge** as a member of the Staff Union. Normally, when someone wishes to file legal proceedings before a court this person will need to advance important expenses (legal fees, fees for expertise, translation, etc.). These expenses will not be charged to you.

However, this appeal process raises complex legal issues and requires a significant contribution from several people (legal officers, secretaries, translators, statisticians). If you are successful, the Tribunal will grant you an amount for legal costs (in addition to the financial compensation for damages and interests), it is therefore asked of you to repay this amount to the Staff Union. You accept this request when you sign the power of attorney.

Amounts which may be awarded by the Tribunal in case of successful appeal	Recipient
- Retroactive payment for reduced salary	Official
- Compensation for moral injury	Official
- Interests on amounts owed	Official
- Legal costs	Staff Union

If we are successful before the Tribunal, the legal costs WILL NOT be charged to the official either.

12. What does the following question in the Information sheet on legal appeals mean « Do you want to present a complaint against the « Compensation package »?»

The « compensation package » designates the whole set of allowances and benefits offered to officials from the P and D category (salary, mobility incentive, education grant, etc.). In 2017, these benefits have been subjected to a major reform with an impact on officials with dependants. Last December, the United Nations Dispute Tribunal decided that this reform had violated the acquired rights of the officials (the UN Secretary General has since appealed this decision). However, the negative impact of this reform is further reinforced by the salary reduction imposed on P and D officials in Geneva. We encourage the concerned officials to introduce an appeal against this reform in complement to the main legal appeal on the reduction of the Geneva post adjustment.

13. What does the following question in the Information sheet on legal appeals mean: « Do you want to present a complaint in case your salary is reduced because of the strike? »

The Director-General decided to deduct pay for the officials who have participated in the strike on 23 March 2018. However, several irregularities have been observed by the Staff Union about the application of this salary deduction. The colleagues on strike (GS, P and D) are therefore invited to appeal this decision. It represents a separate appeal from the main appeal on the Geneva post adjustment.

14. Is it true, as declared by the Director-General, that the ILO could have been excluded from the United Nations Joint Staff Pension Fund in case it had refused to implement the salary reduction?

No. This threat appears in a [resolution](#) adopted in December 2017 by the United Nations General Assembly. In this resolution (paragraph 8), the General Assembly « *Reminds executive heads and governing bodies of the United Nations common system that failure to fully respect the decisions taken by the General Assembly on the Commission's recommendations could prejudice claims to enjoy the benefits of participation in the common system, including organizations' participation in the United Nations Joint Staff Pension Fund, as stated in article 3 (b) of the Fund's regulations* ». This statement raises several legal issues.

In particular, Article 3b) is solely limited in stating that membership in the Fund shall be open to the United Nations specialized agencies, including the ILO. It is Article 16 which provides for the conditions of termination of membership of an organization which can only happen in two cases: following application for termination of a member organization itself or for continued default by a member organization in its obligations under the Fund's regulations. This has

nothing to do with a refusal to apply an arbitrary salary reduction. The threat in the General Assembly's resolution thus constitutes a bluff.

15. Could I face reprisals if I file an appeal?

No. By appealing, you exercise a right protected by the Staff Regulations (article 13.2.1) and recognized by the Administration. In addition, according to the [Principles of Conduct for Staff of the International Labour Office](#) managers are expected to respect staff entitlements (Principle 5) and to maintain confidential all information related to colleagues (Principle 6). In addition, an abuse of power is forbidden (Principle 8).

Numerous colleagues, including directors, have already brought the necessary documents to the Staff Union.

In the past, the Staff Union has already coordinated legal appeals from group of officials in other duty stations like in Bangkok and New Delhi without reprisals being taken against concerned officials.

Finally, to preserve the right to privacy of the complainants, the Tribunal does not indicate their complete names in its decisions but only their initials.

16. Are ILO officials the only one to file legal appeals?

No. Hundreds of officials from other specialized agencies and other UN common system organizations in Geneva have already filed appeals. The Staff Union belongs to an inter-agency network of staff representatives which coordinates the different appeals.

17. And what can I do if I'm not a Staff Union member?

You can become a member without delay by completing [this form](#) and you will be represented by the Staff Union for the legal appeals.