

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

C. V.

v.

GGGI

138th Session

Judgment No. 4909

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms W. C. V. against the Global Green Growth Institute (GGGI) on 14 February 2024;

Considering the information provided by the parties on 28 February and 4 March 2024 in reply to a request made by the President of the Tribunal on 21 February 2024 pursuant to Article 7, paragraph 2, of the Rules of the Tribunal;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS:

1. The complainant joined the organization on 17 January 2022 under a fixed-term employment appointment expiring on 16 January 2025 to hold the post of Senior Officer for Resource Mobilisation and Business Development in Songdo, Republic of Korea.

2. In the present complaint, she impugns the Director General's decision of 20 November 2023 terminating her appointment with effect from 31 December 2023 because of the abolition of her post. In response to a request for the reasons for this abolition, she was informed

on 4 December 2023 that, as announced at a meeting on 16 November, the department to which she belonged was to be closed at the end of December because of a restructuring of the GGGI.

The complainant asks the Tribunal to consider that her “dismissal”^{*} was unlawful and to award her the end-of-service payments to which, in her view, she is entitled, as well as damages for the injury she considers she has suffered.

3. Having noted that the complaint did not mention recourse by the complainant to the internal appeal processes provided for in Chapter 12 of the GGGI Staff Rules, on 21 February 2024 the President of the Tribunal requested information on this matter pursuant to Article 7, paragraph 2, of the Tribunal’s Rules. More specifically, he asked the parties to clarify whether the internal means of redress had been exhausted or whether the complainant had been exempted from this requirement.

In her response sent on 28 February 2024, the complainant explained that the provisions of Chapter 12 of the Staff Rules provided, in her view, for “the option and not the obligation”^{*} to submit an internal appeal to settle a dispute and that, since these provisions were “not applicable”^{*} in the instant case, she had decided to file a complaint directly with the Tribunal.

In its response of 4 March 2024, the GGGI confirmed that the internal means of redress had not been exhausted and that the complainant had not been granted any waiver in that regard.

4. Paragraph 1 of GGGI Staff Rule 12.3 provides that the organization’s staff members may refer an administrative decision that adversely affects them to the Director General. That referral is to be made by means of a request for review of the disputed decision, which must be submitted within 30 days of notification of that decision, except in the case of a decision not to confirm an appointment or a disciplinary decision, in which case the time limit is 15 days. Under the terms of

^{*} Registry’s translation.

paragraph 3 of the same Rule, if the staff member is not satisfied with the Director General's response, she or he has 15 days to submit an appeal. Under paragraph 9, the Director General must make a final decision on the appeal in the light of the recommendations issued by an ad hoc peer review panel. Lastly, Staff Rule 12.5 provides that, once these internal appeal processes have been exhausted, the staff member may seek a review of the Director General's final decision by the Tribunal.

5. Under Article VII, paragraph 1, of the Statute of the Tribunal, "[a] complaint shall not be receivable unless the decision impugned is a final decision and the person concerned has exhausted such other means of redress as are open to her or him under the applicable Staff Regulations".

6. In this case, the appeal processes to which the complainant had access under the provisions of aforementioned Chapter 12 of the GGGI Staff Rules were "means of redress as [were] open to her" for the purposes of Article VII, paragraph 1. The complainant's submission that the organization had not, in her view, demonstrated "good will and good faith"* in dealing with her situation would not, in any event, be such as to relieve her of the requirement to exhaust internal means of redress before filing a complaint with the Tribunal. As the Tribunal has repeatedly stated in its case law, a staff member may not on her or his own initiative evade the requirement that internal means of redress must be exhausted before a complaint is filed (see, for example, Judgments 3706, consideration 3, 2811, considerations 10 and 11, and the case law cited therein).

7. It follows from the foregoing that the complaint is clearly irreceivable for failure to exhaust the internal means of redress and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

* Registry's translation.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 24 May 2024, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Mirka Dreger, Registrar.

Delivered on 8 July 2024 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLÉMENT GASCON

MIRKA DREGER