

**TIPS AND INFORMATION NEWSLETTER  
FROM LAURENCE C. FAUTH, ESQ.**

---

June 2009

Freedom of Association: Staff Reps Right to Membership on Boards

---

Staff representatives that serve on board(s) of the organization (appointment, promotion, appeals, etc.) have a right to challenge decisions by the administration affecting that service.

In Judgment No. 2685 (ITU), the Secretary General removed a staff representative serving on the Appointment and Promotion Board because of the alleged breach of the Board's code of conduct, including manipulating Board members. The staff representative had expressed disagreement with the working of the Board and left a meeting. The staff member challenged the decision to remove her from the Board on the grounds that it breached her right to freedom of association and expression. The internal appeal board agreed and also found that the decision was a hidden disciplinary sanction and recommended payment of moral damages. The Secretary General rejected the appeal in part on the grounds that the staff member had no personal right to be on the Board.

The Tribunal found that the decision to remove the staff representative was, in addition to a breach of her right to freedom of association and expression, a misuse of authority - but not a disciplinary sanction. With respect to freedom of expression, the Secretary General's decision substituted the staff representative's opinion and "method of defending staff interests" with his own. With respect to freedom of association, the Secretary General was not free to remove a staff representative selected according to the staff regulations and rules without first consulting with the staff association and seeking agreement on the procedure for such action ("the Administration should hold consultations with the Staff Council and seek an agreement prior to removing a staff representative from the Board"). The Tribunal awarded her 20,000 swiss francs. In making this award, the Tribunal considered the conduct of the staff representative: it criticized her for walking out on a Board meeting since she had a duty to attend and participate fully in the meetings regardless of disagreements.

---

Please visit my website for more information: [www.unattorney.com](http://www.unattorney.com). I welcome your comments and questions on my e-mail at [lcf@unattorney.com](mailto:lcf@unattorney.com). The information and content contained in this newsletter is for general information only and does not constitute legal or other professional advice. You must not rely on any information or content contained in, or omitted from, this newsletter without obtaining independent legal advice.