



# COMMUNICATION 12/19

## Joint letter to the ICSC on the implementation of the recent ILOAT judgments

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22 July 2019

Dear Mr. Djacta,

Reference is made to five recent judgments delivered by the Administrative Tribunal of the International Labour Organization (ILOAT), all relative to the Geneva-based organizations' implementation of the ICSC decision to approve the results of the latter's 2016 cost-of-living survey for Geneva, with the result that salaries for staff in the Professional and higher categories were subsequently reduced by slightly more than five per cent.

In all five of its recent judgments (4134, 4135, 4136, 4137 and 4138) the Tribunal found in favor of the staff, quashed the above-specified decisions and decided that the organizations concerned shall pay the complainants retroactively as if the pay cut had never occurred.

Although we have learned that most, if not all, of the Geneva-based organizations which are under the ILOAT jurisdiction will promptly implement these Tribunal judgments, we hope we can count on you, as Chair of the ICSC, to ensure that organizations having small satellite offices in Geneva will also implement the judgments for their staff in Geneva.

Moreover, the Staff Federations are deeply concerned by the fact that these judgments do not apply to staff working in organizations subject to the UNDT and UNAT jurisdiction.

Several of the founding principles of the UN common system included the intention to prevent competition among the organizations in staff recruitment and to facilitate exchange of staff, create efficiency and economies of scale through central maintenance of salary scales and allowance schedules, and equity and fairness so that staff of the same grade/step working side by side do not have different conditions of service.

Whilst we are of course aware that in due course it is planned that the UNDT and UNAT will also deliver their own judgments on the appeals filed against the reduced post adjustment

index and corresponding multiplier, should the decisions of the UNAT be different than the ones delivered by the ILOAT, it would clearly jeopardize the founding principles on which the so-called common system was created

Since the delivery of these ILOAT judgments, queries have also been received from staff in the Professional and higher categories working in other duty stations where the 2016 cost-of-living surveys combined with the Commission's decision to eliminate the five per cent gap closure measure lead to reductions in pay. These colleagues are asking whether, based on the principles contained in the ILOAT judgments, the implementation of the results of those surveys should not also be set aside. In this respect, it must be noted that one of the main considerations which led the ILOAT to the conclusions it reached was the fact that the Commission had arbitrarily done away with the 5 per cent gap closure measure without having provided any documented explanation as to *"why five per cent was appropriate up to and including 2015 and yet no longer appropriate in 2016 and 2017."* The ILOAT found that the Commission's *"reduction of the threshold percentage to 3 per cent was not substantiated nor transparent."*

For all of the above reasons, the Staff Federations hope that they can count on you and the Commission to revise its earlier decisions relative to the 2016 cost-of-living surveys as well as its elimination of the 5 per cent gap closure measure in order to align its decisions with the principles and decisions contained in the above-referenced ILOAT judgments for all common system staff in the Professional and higher categories. Further, the Federations hope that the ICSC will prepare and publish a single, corrected post adjustment figure for Geneva.

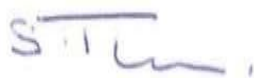
We appreciate comments you made following your election in which you had indicated your desire to move beyond the earlier crisis, comments which we clearly understood implied efforts to restore credibility to the consultative process. It is in this vein that the staff federations submit these requests in the hope that a consultative process, as defined by the ILO and as discussed at the last meeting of the ICSC Contact Group, can soon be established.

All three Staff Federations, representing thousands of international civil servants worldwide, remain available to discuss this matter with you and the ICSC secretariat not only within the context of the principle of equal pay for equal work, but in the hope of preserving the UN common system.

Please accept, Sir, the assurances of our highest consideration.



Brett Fitzgerald  
FICSA President



Stephen Towler  
UNISERV President



Ian Richards  
CCISUA President