



Mr Luc Cortebeek

Chair of the Workers' Group of the International
Labour Organization

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Dear Mr Cortebeek,

Administrative Tribunal of the International Labour Organisation

Public Services International (PSI) requests your attention and consideration in relation to the functioning of the Administrative Tribunal of the International Labour Organization (ILOAT).

We have received an appeal for urgent assistance from our affiliate USF, which is a federation of unions of international and European civil servants, working at EU Institutions and about 20 other European intergovernmental organisations throughout Europe, as well as the ILO Staff Union, which is also a PSI affiliate.

Our affiliates have expressed serious concerns in relation to the operation of the Administrative Tribunal of the International Labour Organization. Since 1927, the Court has heard complaints from serving and former officials of the International Labour Organization and other international organizations that have recognized its jurisdiction. It is currently open to approximately 46,000 civil servants who are serving or former officials of some sixty organizations. The Governing Body of the ILO is responsible for the administrative, contractual and financial commitments of the ILO, including for the ILOAT. It is important to note that the ILOAT is financed by the organizations which use its services.

The capacity of the ILOAT has fluctuated between 80 and 110 cases per year over the last 15 years. According to court figures, as of July 2012 the number of pending cases was 432. Feedback on the functioning of the ILOAT has raised serious concerns regarding capacity problems and backlogs. Recently, due to this overload and lack of resources, the court has introduced an internal rule limiting the number of cases per session from each organization to five new cases. This means that without a substantial increase in capacity, the ILOAT will no longer provide access to justice in a reasonable time. In essence, the current situation leads towards a denial of justice, with staff in some Organizations waiting for upwards of 15 years.

A number of other issues should also be addressed, such as the *de facto* lack of oral hearings, no consistency in case law, the rejection of arguments based on ILO Conventions and other human rights instruments and the focus on formal aspects rather than substance. These considerations indicate the need for an in-depth review of the functioning of the ILOAT.

We would like to recall that one of the main reasons to reform the UN justice system was the lack of a judicial appellate system. The lack of remedies, i.e. the lack of judicial review, became intolerable and runs against the basic guarantees of a fair procedure. Many of the issues that led to this reform apply equally to the ILOAT.

Public Services International therefore requests that:

- The functioning of the ILOAT is discussed by the Officers of the ILO Governing Body in March 2013, with a view to more in-depth discussions by the Governing Body as provided below;
- An urgent solution is found for dealing with the existing backlog, by holding extraordinary sessions, which, under Article IV of the Statute “may be convened at the request of the Chairman [*sic*] of the Governing Body of the International Labour Office”;
- An independent expert panel conducts an in-depth review of the ILOAT, to prepare recommendations by the March 2014 meeting of the ILO Governing Body.

Thank you very much for your consideration and assistance in this matter. We would be happy to discuss further with you, in an effort to find an appropriate solution for this important problem.

In Solidarity,



Rosa PAVANELLI
General Secretary

Cc.: *PSI Executive Board members*
All PSI affiliates
Raquel Gonzalez, Ana Biondi, Luc Demaret