

UNDT/2013/121, Slade

UNAT Held or UNDT Pronouncements

The Tribunal finds, inter alia, that no international labour standards or the United Nation's Charter were breached in the process of the implementation of the General Assembly resolution on the Harmonization of Conditions of Service for Internationally-Recruited Staff in Peacekeeping Operations and Special Political Missions. The Application is dismissed in its entirety Contract of employment - Article 2.1(a) of the Tribunal's Statute defines the contract of employment, as including: all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged non-compliance. The employment contract is formed, before issuance of the letter of appointment, by an unconditional agreement between the parties on the conditions for the appointment of a staff member, if all the conditions of the offer are met by the candidate. Principle of equal pay for equal work - The matter of the payment of certain allowances to staff resulting in one staff member taking home more money than his colleague on the same grade does not necessarily amount to unequal incomes. Certain allowances granted by the Organization to its staff are predicated on the existence of certain conditions. For instance, a staff member with school age children may receive education grant while it is not expected that another with adult and perhaps income-earning children will receive the same grant. Similarly, staff with dependant spouses may receive an allowance that unmarried ones would not receive. Whatever differences exist in the take-home pay of staff members as urged upon the Tribunal in this case are not based on any form of discrimination, gender or otherwise..

Decision Contested or Judgment/Order Appealed

On 22 September 2011, the Applicant filed an Application contesting the decision to implement, on 1 July 2011, the Harmonization of Conditions of Service for Internationally-Recruited Staff in Peacekeeping Operations and Special Political Missions.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Slade

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2011/56

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

9 Oct 2013

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Applicable Law

Agreements, conventions, treaties (etc.)

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Universal Declaration on Human Rights

GA Resolutions

- A/RES/63/250
- A/RES/65/248

Laws of other entities (rules, regulations etc.)

Other UN issuances (guidelines, policies etc.)

- ICSC Report to the GA (A/65/30)

Staff Regulations

- Regulation 4.1

UN Charter

UNDT Statute

Related Judgments and Orders

2011-UNAT-111