

2017-UNAT-801, Faye

UNAT Held or UNDT Pronouncements

UNAT considered that at the time of the elections, there was no law that prevented the staff members from being elected to the UNSPC once they met the prerequisites for election, which they did. UNAT held that both staff members were duly elected members of the UNSPC and that as a direct consequence of their election, they had the same rights and privileges as other elected members, and which could not be restricted or denied. UNAT granted the appeals and ordered that the staff members be given access to all relevant Pension Board documents and be allowed to participate and function as elected member in all relevant areas including the preparations for the Pension Board sessions, meetings of the Pension Board and of its constituent groups, committees, and working groups.

Decision Contested or Judgment/Order Appealed

Two staff members of the UNJSPF were elected to the UNSPC. Following the elections, they were given two options: i) to remain on the UNSPC and accept to be moved to an appropriate post elsewhere in the Secretariat outside the UNJSPF; or (ii) to continue to work in the UNJSPF's Secretariat and resign from the UNSPC and the Pension Board. The staff members rejected both options. The staff members were subsequently informed that the Pension Board had discussed the conflict of interest arising from the fact that they had been elected to the UNSPC while serving as staff members of the UNJSPF and that it had decided that they would not be given access to the Pension Board documents nor could they participate in any formal preparations for the Pension Board session and meetings until such time the conflict of interest had been resolved.

Legal Principle(s)

Staff members of the UNJSPF duly elected to the UNSPC have the same rights/privileges as other elected members.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Faye

Entity

UNJSPF

Case Number(s)

2017-1086

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

United Nations Joint Staff Pension Fund (UNJSPF)

Applicable Law

UNAT Statute

- Article 2.9

UNJSPF Regulations

- Article 48
- Article 6(a)

Related Judgments and Orders

2015-UNAT-517