

# UNDT/2024/053, Caldin, Langelaar

## UNAT Held or UNDT Pronouncements

The Tribunal found no merit in the application. In particular, the Tribunal found no grounds for the Applicants' claim that the contested decisions were unlawful or that they were subject to gender discrimination. The Tribunal found that neither Applicant qualified for sec. 6.3(a)(i) parental leave by operation of sec. 1.2 of ST/AI/2023/2, which set a cutoff date of 1 January 2023, nor did they qualify for the 10 weeks special leave under the transitional measures since they did not give birth and were not on maternity leave on 1 January 2023. The Tribunal found that since the Applicants did not give birth to their children, they were not entitled to an additional 10-weeks parental leave with full pay.

## Decision Contested or Judgment/Order Appealed

The Applicants, Mr. Caldin, a Reviser, at the P-4 level, with the Department for General Assembly and Conference Management ("DGACM"), and Mr. Langelaar, a Corrections Officer, at the P-5 level, with the United Nations Assistance Mission in Somalia ("UNSOM"), contested DGACM's 23 March 2023 decision and UNSOM's 12 March 2023 decision to reject each of their requests to be granted 16 weeks of parental leave under the Organization's new parental leave framework, ST/AI/2023/2 (Parental leave and family leave).

## Legal Principle(s)

The Tribunal found a clear rationale behind the parental leave transitional measures, which is to take into account the World Health Organization's ("WHO's") recommendation of six months minimum of breastfeeding for birth mothers. In this regard, the Appeals Tribunal has held that "differential treatment which pursues a legitimate policy is not unfair discrimination if there is a rational connection between the differentiation and the purpose it is designed to achieve" (see *Canova* 2022-UNAT-1252, para. 39, and also *Krioutchkov* 2022-UNAT-1248, para. 32). In this case, the differential treatment of parents who give birth to a child and parents who do not give birth to a child serves a legitimate policy objective. There is a clear rational connection between the differentiation and the purpose of the policy, which is to address health matters related to giving birth to a child in line with the WHO's recommendation

## Outcome

Dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Caldin

Langelaar

Entity

DGACM

Case Number(s)

UNDT/NY/2023/027

Tribunal

UNDT

Registry

New York

Date of Judgement

30 Aug 2024

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Applicable Law

Administrative Instructions

Staff Rules

Related Judgments and Orders

2022-UNAT-1252

2022-UNAT-1248