

2024-UNAT-1489, Ahmad Hasan Hamad

UNAT Held or UNDT Pronouncements

The UNAT noted that before the applicant became a staff member, he had been employed by UNRWA as complementary personnel with non-staff status and was not entitled to any benefit beyond what had been established for daily-paid workers. The UNAT observed that neither his daily-paid service contracts nor a sample of daily-paid service contracts applicable at the relevant time mentioned payment of any compensation upon expiration.

The UNAT found that upon each expiry of the applicant's daily-paid service contract, it was successively renewed and he was bound by the Agency's regulations and administrative issuances issued before each renewal. The UNAT found that his reference to universal labour laws had no merit.

As regards the staff member's Service Computation Date, the UNAT held that his letter of appointment was the controlling document. The UNAT found that by his acceptance of the offer of appointment, as specified in the letter of appointment, he had irrevocably consented that his Service Computation Date is not computed on the basis of periods of work performed before the commencement of his appointment.

The UNAT concluded that the UNRWA DT had not erred in upholding the contested decisions.

The UNAT expressed concern that not according the staff member any benefits of employment for the period of more than 16 years when he was engaged by the Agency as a daily-paid worker was harsh.

The UNAT dismissed the appeal and affirmed the UNRWA DT Judgment.

Decision Contested or Judgment/Order Appealed

A staff member contested a decision not to pay him separation benefits for the period during which he had worked on daily-paid service contracts, and to deny his request to include his daily-paid service in the determination of his Service Computation Date for purposes of calculating his separation benefits.

In Judgment No. UNRWA/DT/2023/036, the UNRWA DT dismissed the application on the merits.

The staff member appealed.

Legal Principle(s)

The Agency's obligations towards employees on daily-paid service contracts are governed by the Agency's relevant administrative issuances and not the national laws of member states.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ahmad Hasan Hamad

Entity

UNRWA

Case Number(s)

2023-1875

Tribunal

UNAT

Registry

New York

Date of Judgement

3 Dec 2024

President Judge

Judge Forbang

Judge Colgan

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Benefits and entitlements

Oral hearings

Procedure (first instance and UNAT)

Applicable Law

UNAT RoP

- Article 18.1

UNAT Statute

- Article 8.3

UNRWA Area Staff Circulars

UNRWA Area Staff Regulations

UNRWA Personnel Directives

Related Judgments and Orders

2014-UNAT-463

2014-UNAT-454

2012-UNAT-261