

## EIGHTY-SIXTH SESSION

### *In re Besse-Harrison*

#### Judgment 1842

The Administrative Tribunal,

Considering the complaint filed by Mrs. Ariane Besse-Harrison against the International Union for the Protection of New Varieties of Plants (UPOV) of 6 December 1996 and corrected on 8 September 1997, the UPOV's reply of 21 October, the complainant's letter of 5 December 1997 informing the Registrar of the Tribunal that she did not wish to enter a rejoinder, the comments by the International Civil Service Commission (ICSC) of 22 January 1998, the complainant's comments thereon of 29 March, the Commission's further brief of 17 July on those comments, the Registrar's letter of 29 July, which the Union did not answer, inviting it to submit a surrejoinder, the complainant's brief of 24 September and the Commission's final brief of 4 November 1998;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Articles 6(1)(b), 9 and 13(3) of its Rules;

Having examined the written submissions and decided not to order hearings, which neither party has applied for;

Considering that the facts of the case, the pleadings and the complainant's claims are the same as those summed up under A to H in Judgment 1841 (*in re Bernaz-Ciclet and others*), also delivered this day;

#### CONSIDERATIONS

1. This case raises the same issues as the complaints filed by Mr. Joël Desbiolles and others on 13 September 1996 against the International Telecommunication Union (ITU) and by Mrs. Germaine Bernaz-Ciclet and others on 6 December 1996 against the World Intellectual Property Organization (WIPO). Only the defendant - UPOV - is not the same, though it too has its headquarters in Geneva. Mrs. Besse-Harrison belongs to the General Service category of UPOV's staff, and the relevant provisions are the Staff Regulations and Staff Rules of WIPO as applied to the staff of UPOV.

2. In Judgments 1840 and 1841 the Tribunal allows in part the complaints of Mr. Desbiolles and others and of Mrs. Bernaz-Ciclet and others. For the same reasons it allows this complaint too in part.

#### DECISION

For the above reasons,

1. In accordance with what is said under 25 in Judgment 1841 (*in re Bernaz-Ciclet and others*), delivered this day, the Union shall apply a new scale to the complainant's pay.

2. The Union shall pay the complainant 200 Swiss francs in costs.

3. Her other claims are dismissed.

In witness of this judgment, adopted on 18 November 1998, Mr. Michel Gentot, President of the Tribunal, Mr. Jean-François Egli, Judge, and Mr. Seydou Ba, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 28 January 1999.

(Signed)

Michel Gentot

Jean-François Egli

Seydou Ba

A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.