

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

S. D.

v.

WHO

135th Session

Judgment No. 4646

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms N. S. D. against the World Health Organization (WHO) on 15 March 2022;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions of the complainant;

CONSIDERATIONS

1. The complainant was employed by WHO in Chad between 2017 and 2021 as a coordinator of a pilot project under a series of Special Service Agreements (SSA). She submits in her brief that she was requested without a valid reason, on 7 October 2021, to stop working immediately and that WHO did not grant her request for conciliation and amicable settlement.

2. In another case also involving WHO and concerning the same type of contract, the Tribunal noted that the SSA expressly provided that the person with whom WHO concluded the contract would have the status of a contractor and would not be considered in any respect as a staff member of WHO. The Tribunal concluded that it had no

jurisdiction to hear the complaint and that it should be dismissed (see Judgment 3551).

3. This reasoning is also applicable in the present case. The Tribunal clearly has no jurisdiction to hear the complaint. Pursuant to Article II, paragraph 5, of its Statute, “[t]he Tribunal shall [...] be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials” (emphasis added). The complainant states in the complaint form that she filed the complaint in her capacity as a former official. However, according to the express terms of the SSA under which she was employed, the complainant did not have the status of a WHO official. As the complainant cannot be considered as an official or former official of WHO and is not covered by WHO’s Staff Rules and Regulations, she has no access to this Tribunal (see Judgments 3705, consideration 4, 3551, consideration 3, and 3049, consideration 4).

4. As a result, the complaint is clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

5. The Tribunal notes, as it did in Judgment 3551, that clause 15 of the SSA provides for arbitration if necessary, and that there is no time limit provided for in relation to the submission of the dispute to arbitration.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 18 November 2022, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 1 February 2023 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLÉMENT GASCON

DRAŽEN PETROVIĆ