Introduction

1. By a !"#at"on f"!ed on 12 A \$"! 2014% t&e A !"#ant% a \$et"\$ee ' &o &ad (een \$e)em !oyed as a *e+"se\$ at t&e D"+"s"on of Confe\$en#e , anagement -.DC , /0/1 anguages 2e\$+"#e-. 12/0/C&"nese T\$ans!at"on 2e#t"on -.CT2/0% Un"ted Nat"ons 3 ff"#e at Gene+a -.UN3 G/0% #ontests t&e de#"s"on not to \$ene ' &"s tem o\$a\$y #ont\$a#t (eyond t&e end of No+em(e\$ 2014.

Facts

- 2. T&e A !"#ant \$et"\$ed f\$om t&e 3\$gan"sat"on on 40 June 2011% afte\$ 25 yea\$s of se\$+"#e% u on &"s \$ea#&"ng t&e mandato\$y \$et"\$ement age. 6e "s "n \$e#e" t of a ens"on (enef"t f\$om t&e Un"ted Nat"ons Jo"nt 2taff Pens"on 7und.
- 4. 8n 2011 and 2012% t&e A !"#ant 'as \$e)em !oyed as a *e+"se\$% at t&e *)888 !e+e! at t&e Un"ted Nat"ons 3ff"#e at Na"\$o("-.UN3N/0% unde\$ se+e\$a! tem o\$a\$y a o"ntments. T&e\$eafte\$% f\$om 14 August 2012 to 40 No+em(e\$ 2012% &e 'as em !oyed as \$e+"se\$ at CT2% 12% DC, % UN3G% a!so unde\$ a tem o\$a\$y a o"ntment.
- 4. 8n 2014% &e 'as g\$anted a tem o\$a\$y a o"ntment as *e+"se\$% at t&e *)888 !e+e!% at CT2% DC , % UN3G% f\$om 1 Ju!y to 29 2e tem(e\$ 2014% '&"#& 'as su(se:uent!y \$ene 'ed on 2; 2e tem(e\$ 2014 unt"! 40 No+em(e\$ 2014.
- 5. T&e A !"#ant<s !ette\$ of a o"ntment\" ' &"#& &e s"gned on 2 3#to(e\\$ 2014\" stated\" unde\" s e#"a! #ond"t"ons\" inter alia\" t\&at

=">n a##o\$dan#e '"t& t&e mandato\$y ea\$n"ngs !"m"t esta(!"s&ed (y t&e Gene\$a! Assem(!y *eso!ut"ons 59/405 of 15 A \$"! 2004 and t&e o "n"on of t&e Ad+"so\$y Comm"ttee on Adm"n"st\$at"on and Budgeta\$y ? uest"ons of 6 3#to(e\$ 200;\[\] t&"s offe\[\] and #onse: uent a o"ntments a\[\] e su(\[\] e#t to a maA"mum !"m"t of 125 days a#tua!!y 'o\[\] Bed e\[\] #a!enda\[\] yea\[\]. T&e maA"mum a !"es to \[\] emune\[\] at"on you may \[\] &a+e \[\] e#e"+ed o\[\] '"!! \[\] e#e"+e du\[\]"ng t\[\] s #a!enda\[\] yea\[\] f\[\] on t\[\] Un"ted Nat"ons\[\] "n#!ud"ng t\[\] e \[\] emune\[\] at"on \[\] e#e"+ed fo\[\] #ont\[\] at"ons\[\] #ommon system\[\] "n#!ud"ng t\[\] e \[\] 7unds and P\[\] Sog\[\] ammes. 2&ou!d t\[\] te maA"mum of 125 days a#tua!!y 'o\[\] Bed

fo\$ t&e #a!enda\$ yea\$ (e eA#eeded\ a \$o \$"ate \$e#o+e\\$y/\\$e) ayment of amount-s0 "n eA#ess of t&e !"m"t of 125 days a#tua!!y 'o\\$Bed '"!! (e effe#ted.

6.

11. 3 n 25 No+em(e\$ 2014\) t&e A !"#ant \\$e:uested manage

16. A &ea\$"ng "n t&e \$esen#e of t&e a\$t"es 'as &e!d on 2C 3#to(e\$ 2014. Du\$"ng t&e &ea\$"ng\| and (y 3\\$de\) No. 195 -GVA/20140 of 2C 3#to(e\) 2014\| t&e T\\$"(una! \\$e: uested t&e *es ondent to \\$o+"de add"t"ona! eA !anat"ons\| inter alia\| '"t\& \\$es e#t to t\&e fa#t t\&at "n \&"s ema"! of 1C No+em(e\) 2014 to t\&e A !"#ant\| t\&e C\&"ef\| CT2\| \&ad stated t\&at .t\&e C\&"nese T\\$ans!at"on 2e\\$+"#e "n DGAC , \&ad d"s\#ont\"nued use of tem o\\$a\\$y on)(oa\\$d f\\$ee)!an\#e \#ont\\$a\#ts "n +"e' of \#ont\\$a\#tua! t\\$ans!at"on/ and t\&e *es ondent<s adm"ss"on "n t\&e f\\$ame 'o\\$B of t\&e \\$esent \\$o\#eed\"ngs t\&at "n fa\#t s\"A f\\$ee!an\#e\\$\\$\ out of '\&\"\#\ fou\\$' e\\$e \\$et\"\\$ees\\ &ad (een em !oyed "n De\#em(e\\$ 2014.

19. The *es ondent f"!ed the \$e:u"\$ed eA !anat"ons on 1 De#em(e\$ 2014% and the A !"#ant \$es onded the \$eto on 15 De#em(e\$ 2014.

Parties' contentions

1;.

- d. T&e C&"ef% CT2% a !"es su#& d"ffe\$ent"a! t\$eatment of \$et"\$ees a!so ' "t& \$es e#t to t&e t"m"ng of #ont\$a#ts a##o\$d"ng to e\$sona! needs and t&e #om !eA"ty of t&e ass"gnment6
- e. The algument that the 'as glanted a #ontla#t (y the Cheef CT2 in 2012 and 2014 does not sho ' that the latter theats the equality at the Sho 's that the Cheef CT2 in anted to a+o'd any #halfes of stable d"s#\subseteq" in mination of
- f. T&e *es ondent<s a\$gument of #ost)effe#t"+eness does not stand\s"n#e on t&e #ont\sa\y\set"\sees ' &o a\se !ess \sodu\#t"+e\seff"\#"ent and :ua!"f"ed t\and t\and A \quad !"\#ant \and a\text{4}e (een g\santed t\and ma\mathbb{ma}\mathbb{m}) mum of 125

od/\$##@## .84125(-3.81746("")0.96024.76

t\$eatment\(' "t\& \\$es e\#t to s e\#"f"\# t"m"ng and du\\$at"on of \\$e)em !oyment \#ont\\$a\#ts and ass"gnment of do\#uments and to ta\text{Be} a \\$o \\$"ate a\#t"on aga"nst t\&e C\&"ef\\ CT2\(\frac{1}{2}\) fo\\$ a\##ounta("!"ty.

- 1C. T&e *es ondent<s \$"n#" a! #ontent"ons a\$eF
 - a. T&e A !"#ant<s !ette\$ of a o"ntment s&o's t&at fo!!o'"ng &"s \$et"\$ement% &"s a o"ntments '"t& t&e Un"ted Nat"ons 'e\$e su(le#t to #ond"t"ons t&at 'e\$e mo\$e \$est\$"#t"+e t&an t&ose a !y"ng "n t&e gene\$a! o!"#y on tem o\$a\$y a o"ntments6 as su#&% &e 'as su(le#ted to a maA"mum of 125 days a#tua!!y 'o\$Bed. T&e !ette\$ of a o"ntment fu\$t&e\$ noted% unde\$ s e#"a! #ond"t"ons% t&at to t&e eAtent t&e \$o+"s"ons d"ffe\$ f\$om t&e \$u!es of t&e em !oy"ng o\$gan"Hat"ons go+e\$n"ng tem o\$a\$y a o"ntment "n t&e staff \$u!es% &"s #ont\$a#t 'as go+e\$ned (y t&e Agreement between the United Nations System/Chief Executive oard for Coordination and the Association internationale des traducteurs de conf!rence regulating the conditions of employment of short term translators and persons serving in related functions -CEB)A8TC ag\$eement06 "n +"e' of &"s status% t&e A !"#ant d"d not &a+e any eA e#tan#y of \$ene'a! o\$ \$"g&t to (e g\$anted 125 'o\$B"ng days e\$ yea\$6
 - (. The A !"#ant<s a squment that he had a !eg"t"mate eA e#tan#y to hate

&ad no o(!"gat"on to offe\$ t&e A !"#ant s&o\$t)te\$m #ont\$a#ts\ su o\$ted t&e A !"#ant<s a o"ntments "n 2012 and 20146

- d. T&e (a#B!og "n CT2 'as "ns"gn"f"#ant as of 14 No+em(e\$ 2014 and #ou!d (e \$o#essed ."n)&ouse/ and no "m o\$tant meet"ngs 'e\$e to (e &e!d "n De#em(e\$6 t&e\$efo\$e\"n +"e' of \$oe#ted 'o\$B!oad t&e A !"#ant<s se\$+"#e' as no !onge\$ needed and t&e \$easons \$o+"ded to &"m' e\$e su o\$ted (y t&e fa#ts6
- e. T&e *es ondent adm"ts t&at &"s \$efe\$en#e to .\$egu!a\$ staff/ (e"ng a(!e to \$o#ess t&e 'o\$B!oad e+en "f "t 'e\$e s"gn"f"#ant\ #onta"ned "n t&e \$es onse to t&e sus ens"on of a#t"on\ 'as "na##u\$ate6 &o 'e+e\$\ t&"s 'as @ust an .e+en "f/ eAt\$a o!at"on\ and t&e \$e#o\$d s&o 's t&at "n fa#t\ t&e C&"ef\ CT2\ &ad #ons"stent!y &e!d t&at t&e 'o\$B!oad #ou!d (e \$o#essed (y t&e .stand"ng #a a#"ty/"n)&ouse/\ '&"#& &as a d"ffe\$ent mean"ng t&an .\$egu!a\$ staff/6

f.

- ". 8n + e' of &s status the saue at staBe .".e. 'hethe he should have (een ghanted an add tone! 1C days in 2014 and fou in 2012 I in fa#the is as ghanted 121 days in 2012 and 106 in 2014 I the amount the A limit is see Bing as hemed es and the a limit in a he a (usine)
- The a !"#at"on shou!d (e selle#ted "n "ts ent"sety.

Consideration

20. A##o\$d"ng to t&e !ongstand"ng @u\$"s \$uden#e of t&e A ea!s T\$"(una!\ f"Aed) te\m and tem o\sa\y a o"ntments do not #a\\$\y any eA e#tan#y of \sene'a! o\\$#on+e\\$\s"on to any ot\se\\$\text{ty e of a o"ntment - eaudry}

- 22. T&e em !oyment of et"ees "s fu\$t&e \$est\$"#ted (y Adm"n"st\$at"+e 8nst\$u#t"on 2T/A8/2004/;/Amend.2 -* etent"on "n se\$+"#e (eyond t&e mandato\$y age of se a\$at"on and em !oyment of \$et"\$ees0% ' &"#& \$o+"des t&atF
 - 5.1 70\squares staff mem(e\s a(0+e t\text{de mandato}\squares se a\staff on age of 60\squares o\squares 60\squares o\squares for a o"nted on o\squares afte\squares 1 Janua\squares 1CC0\squares s\text{de} a!! not (e em !oyed (y t\text{de} 3\squares an"Hat"on\squares un!essF
 - -a0 T&e o e\$at"ona! e:u"ements of t&e 3\$gan"Hat"on #annot (e met (y staff mem(e\$s ' &o a\$e:ua!"f"ed and a+a"!a(!e to e\$fo\$m t&e \$e:u"ed fun#t"ons\$G
 - -(0 T&e \$0 osed em !oyment 'ou!d not ad+e\$se!y affe#t t&e #a\$ee\$ de+e!o ment o\$ \$ede !oyment o o\$tun"t"es of ot&e\$ staff mem(e\$s and \$e \$esents (ot& a #ost)effe#t"+e and o e\$at"ona!!y sound so!ut"on to meet t&e needs of t&e se\$+"#e.

and t&at

6.1 Em !oyment of fo\$me\$ staff '&o a\$e "n \$e#e" t of a ens"on (enef"t f\$om t&e Un"ted Nat"ons Jo"nt 2taff Pens"on 7und s&a!! (e su(@e#t to t&e fo!!o ' "ng \$est\$"#t"onsF

D

- -(0 1 anguage se\\$+"\#es staff may not (e \\$e)em !oyed fo\\$ mo\\$e t\&an 125 days a\#tua!!y 'o\\$Bed du\\$"ng a \#a!enda\\$ yea\\$
- 24. 2e#t"on 9 of t&e same adm"n"st\$at"+e "nst\$u#t"on \$o+"des t&atF
 - *et"\$ees f\$om anot&e\$ #ommon system o\$gan"Hat"on may eA#e t"ona!!y (e em !oyed "n t&e a(sen#e of :ua!"f"ed and a+a"!a(!e non)\$et"\$ee #and"dates\ as 'e!! as of :ua!"f"ed and a+a"!a(!e Un"ted Nat"ons \$et"\$ee #and"dates\ \$o+"ded t&e #ond"t"ons "n se#t"ons 5 and 6 of t&e \$esent "nst\$u#t"on a\se met.
- 24. T&e !"m"tat"on offset fo\$t& "n se#. 6.1-(0 "s #onf"\$med (y t&e A !"#ant<s !ette\$ of a o"ntment on f"!e% ' &"#& notes unde\$ s e#"a! #ond"t"ons% inter alia% t&at .t&"s offe\$ and #onse:uent a o"ntments a\$e su(@e#t to a maA"mum !"m"t of 125 days a#tua!!y ' o\$Bed e\$ #a!enda\$ yea\$/.
- 25. 8t "s #!ea\$ f\$om t&e a#tua! 'o\$d"ng of t&e a(o+e):uoted \$o+"s"ons t&at \$et"\$ees '&o a\$e em !oyed as !anguages se\$+"#es staff do not &a+e an ent"t!ement o\$ a /\$"g&t/ to (e em !oyed fo\$ a maA"mum of 125 'o\$B"ng days6 \$at&e\$\text{ t&e} a !"#a(!e \$u!es I #onf"\$med (y t&e s e#"a! #ond"t"on #onta"ned "n t&e A !"#ant<s

!ette\$ of a o"ntment I \$0&" ("t t&e"\$ em !oyment . (eyond/ t&e maA"mum of 125 days a#tua!!y 'o\$Bed e\$ #a!enda\$ yea\$. As su#&\ t&e #ond"t"ons of em !oyment of \$et"\$ed !anguage se\$+"#es staff a\$e fa\$ mo\$e \$est\$"#t"+e t&an t&e em !oyment of ot&e\$ #atego\$"es of staff mem(e\$s unde\$ tem o\$a\$y a o"ntments.

- 26. 8n t&e #ase at &and\ t&e A !"#ant 'as g\\$anted se+e\\$a! tem o\\$a\\$y a o"ntments\ u on &"s \\$et"\\$ement\ to 'o\\$B as a \\$e+"se\ (ot\ at UN3N and at DC , \ CT2\ UN3G. 8t "s not d"s uted t\ at t\ e A !"#ant 'as em !oyed fo\\$ a tota! of 106 'o\\$B"ng days "n 2014. 8n +"e' of t\ e \\$o+"s"ons a(o+e\ \ &e d"d not \ &a+e an ent"t!ement\ per se\ to (e g\\$anted an eAtens"on of \ &"s a o"ntment\ u to t\ &e maA"mum of 125 days a\#tua!!y 'o\\$Bed.
- 29. The fosegoing not 'ith standing' and tabing the a(o+e asametes set (y the a !!#a(!e sules and (y the eusis suden#e of the A eals Ts"(una! into a##ount the Ts"(una! #onsidesed it ne#essasy to !oob into the seasons so+ided for the #ontested de#is"on and 'kethes they 'ese su ofted (y the fa#ts.
- 2;. 8n &"s ema"! of 1C No+em(e\$ 2014 to t&e A !"#ant% t&e C&"ef% CT2% &ad stated t&at .tem o\$a\$y ass"stan#e fo\$ meet"ngs D ' as a\$\$anged "n t&e !"g&t of t&e 2e#t"on<s \$o@e#ted 'o\$B!oad and stand"ng #a a#"ty/ and t&at t&e Comm"ttee on Confe\$en#e &ad ut em &as"s on "n#\$eased use of #ont\$a#tua! t\$ans!at"on. 6e fu\$t&e\$ noted t&at t&e .C&"nese T\$ans!at"on 2e*+"#e "n DGAC, &a=d>d"s#ont"nued t&e use of tem o\$a\$y on)(oa\$d f\$ee)!an#e #ont\$a#ts "n +"e' of #ont\$a#tua! t\$ans!at"on/.
- 2C. 7u\$t&e\$\"n t&e '\$"tten eA !anat"on \$o+"ded (y t&e C&"ef\ CT2\ to UN 3 G\"n t&e f\\$ame 'o\\$B of t&e sus ens"on of a#t"on \$o#eed"ngs\ t&e fo\\$me\\$ &ad stated t&at .CT2 #a a#"ty "n De#em(e\\$ =#ou!d\> ade:uate!y dea! '"t\\$ t\\$e eA e#ted 'o\\$B!oad\/ and t\\$at .=f\>o\\$ =CT2\\$\ t\\$e eaB seasons '\\$e\\$e mo\\$e tem o\\$a\\$"es = 'e\\$e\> taBen on (oa\\$d to st\\$engt\\$en "ts stand"ng #a a#"ty = 'e\\$e\> o+e\\$ fo\\$ t\\$e yea\\$s 2014\/.
- 40. J "t& \$es e#t to CT2 'o\$B!oad\ t&e C&"ef\ CT2\ stated "n an ema"! to t&e C&"ef\ 12\ DC, \ of 14 No+em(e\ 2014 I t&at "s\ on!y a fe' days \ "o\ to t&e #ontested de#"s"on I t&at .e"g&t of =t&e \ ema"n"ng do#uments> &a=d> a!\ eady (een t\ ans!ated '&"!e t&\ eo t\ es = 'e\ e> #u\ ent!y unde\ t\ ans!at"on and = 'ou!d> soon

45. T&e T\$"(una! fu\$t&e\$ f"nds t&at not&"ng on f"!e a!!o 's #on#!ud"ng t&at t&e Adm"n"st\$at"on #\$eated an eA e#tan#y\ t&\soug\ an eA \\$ess \\$om"se to t\&e A !"#ant\ t\&at \&"s a o"ntment 'ou!d (e eAtended (eyond 40 No+em(e\\$ 2014.

Conclusion

4;. 8n + "e" of the fosego" ng% the T\$" (una! DEC8DE2F)

T&e a !"#at"on "s \$e@e#ted.

-Signed0 Judge T&omas 1aBe\$

Ente\\$ed "n t\\$e *eg"ste\\$ on t\\$"s 1C\$ day of D 2()-5.808160()-5.808169 11.28 T f D-155.698 664.56 T