



Case No.: UNDT/NY/2013/011
Order No.: 49 (NY/2013)
Date: 22 February 2013

Introduction

1. On 21 February 2013, the Applicant, a staff member in the Meetings Support Section (“MMS”), Department for General Assembly and Conference Management (“DGACM”), filed an application for suspension of action of the decision to recruit 19 staff members “for the future operation of the Publishing Section (“Section”)”. The Applicant contends that this decision is part of an unapproved effort to reorganize the Section which includes the abolishment of 59 of its posts.

Background

2. On 28 April 2011, the Secretary-General launched a plan to reform the Secretariat which included a goal for the Organization, and DGACM particularly, to move to a less paper reliant environment.

3. On 6 June 2011, the Secretary-General submitted his budget for 2012-2013 to the General Assembly in which he proposed to abolish 41 posts within the Section as a result of the decision to reduce the volume of publications printed in-house and to also favor digital printing. The Secretary-General’s budget was approved on 24 December 2011.

4. In December 2011, the Change Management Team (“CMT”) submitted 61 recommendations to the Secretary-General for the realization of his organizational reforms. These recommendations included the promotion of the use of PaperSmart meetings; a reduction of the number of hardcopy publications being distributed; that heads of departments assess functions that could be consolidated and restructured; and that the Office of Human Resources Management encourage mobility for General Service staff.

5. On 12 April 2012, by Section II of resolution 66/257, the General Assembly requested that the Secretary-General submit for its consideration and prior approval

Consideration

10. In accordance with art. 2.2 of its Statute, the Tribunal has to consider whether the impugned decision appears to be *prima facie* unlawful, whether the matter is of particular urgency, and whether its implementation will cause the Applicant irreparable harm. The Tribunal must find that all three of these requirements have been met in order to suspend the action, meaning the implementation of the decision, in question.

11. Applications for suspension of action are necessarily urgent requests for interim relief pending management evaluation. Under art. 13 of its Rules of Procedure, the Tribunal is required to consider such an application within five days. Although art. 13 of the Rules of Procedure requires that such an application be transmitted to the Respondent, there is no obligation to require a response from

an applicant to present a fairly arguable case that the contested decision was influenced by some improper considerations, was procedurally or substantively defective, or was contrary to the Administration's obligation to ensure that its decisions are proper and made in good faith (Villamorán UNDT/2011/126).

15. It would appear from the documents be

Conclusion

27. The present application has met the conditions for a suspension of action.

Order

28. The Tribunal orders the suspension, during the pendency of the management evaluation, of the implementation of the decision to undertake a recruitment process