



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

LANE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON APPLICATION FOR
SUSPENSION OF ACTION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Stephen Margetts, ALS/OHRM, UN Secretariat
Elizabeth Gall, ALS/OHRM, UN Secretariat

Introduction

1. On 11 December 2013, the Applicant, a P-5 level Senior Social Affairs Officer, Department of Economic and Social Affairs in New York, filed an application for suspension of action, pending completion of management evaluation, of “the certification and implementation of an election process that is fundamentally flawed”. The Applicant identifies the underlying contested decision as the “failure of the Secretary-General to uphold staff right to free and fair elections as provided for in the Staff Rules and Regulations by acting upon decisions of the UN Staff Union [UNSU] Arbitration Committee and Unit Chairs as provided for in the [UNSU] Statute”.

2. The Applicant submits that the Arbitration Committee, which provides binding rulings on complaints concerning alleged violations of the UNSU Statute and Regulations, has excluded one of the candidates from running for office due to “activity that was deemed incompatible with the aims and objectives of the [UNSU] as well as the duties and obligations of all international civil servants”. However, it appeared that the elections were nevertheless scheduled to proceed as planned. Further, the Applicant states that the polling officers continued with election activities although they had been recalled by the Unit Chairpersons for contravening rules regarding the integrity and fairness of elections, and that the Respondent refused to suspend their collective United Nations email account. The Applicant states that, under staff regulation 8.1, she has a right to the proper application of the right to representation as provided for in the Staff Regulations, which the Secretary-General is enjoined to implement under Staff Rule 8.1. She states that “[a]ny violation of these norms therefore constitutes a contractual violation of the right of freedom of association and any decision by the Secretary-General failing to enforce these rights constitutes an appealable administrative decision”.

the Arbitration Committee are binding on all bodies of the UNSU (see UNSU regulation 8.1). (See further *Saffir* UNDT/2013/109, *Ginivan* UNDT/2013/110.)

6. The Applicant submits that, on 22 November 2013, the President of the UNSU, at the request of the 44th Staff Council, wrote to the Secretary-General, forwarding two decisions of the Arbitration Committee of the UNSU, dated 20 November 2013, concerning the electoral process for the 45th Staff Council and the Leadership of the UNSU. The Secretary-General was requested to intervene in order to ensure a fair electoral process. It appears that the elections were set to take place on or about 11 December 2013.

7. The Applicant submits that, on 6 December 2013, the Chief de Cabinet of the Secretary-General replied that the Secretary-General would take no action.

8. The Applicant submits that, on 6 December 2013, the Chair of the Unit
Chairpersons31

13.

