

Judgment No. 2024-UNAT-1439/Corr.1



Counsel for Appellant: George Irving

Counsel for Respondent: Angélique Trouche/Amanda Stoltz

standards approved in the pre-computer era by the General Assembly and decide[d] to increase the workload standards for the translation services to 5.8 pages per day[.]

7. On the same day, the USG/DGACM established a working group on the implementation of this new workload standard decided by the General Assembly.⁵ Over the first months of 2021, the implementation of this new workload standard was discussed at meetings between DGACM management and staff representatives. In addition, the working group reported on its work at global information sessions during which DGACM staff could ask questions. On 7 April 2021, the working group shared with concerned DGACM staff members its report on the new workload standards.⁶

8. On 8 April 2021, the USG/DGACM held a townhall meeting with staff members in which he discussed the implementation of the General Assembly resolution. He

did not constitute an appealable administrative decision, and moreover the request for management evaluation on 26 April 2021 was premature.

13. In Judgment No. 2022-UNAT-1262, the UNAT found that the USG/DGACM's announcement on 8 April 2021 did produce direct adverse legal consequences affecting the terms and conditions of employment and remanded the case to the UNDT for a trial on the merits.

14. On 30 December 2022, in resolution 77/262, the General Assembly recalled its resolution 75/252 and "request[ed] the UNDT to (s)1.7 (e)1.7 (s)2.8 (s)2.9 (e)9.8 (4 Tw -3(t4.6

concluded that even if Staff Regulation 8.1 and ST/SGB/274 were applicable, which the UNDT found they were not, the facts of the case demonstrated that the affected staff members had been properly consulted.¹⁶

17. On 27 March 2023, Mr. Ovcharenko filed an appeal of the impugned Judgment with the UNAT. On 28 March 2023, the UNAT Registry transmitted the appeal to the Secretary-General. The Secretary-General filed his answer on 30 May 2023.

Submissions

Mr. Ovcharenko's Appeal

18. Mr. Ovcharenko argues that the UNDT committed errors of fact and law. Specifically, he contends that the UNDT incorrectly identified the contested decision. Mr. Ovcharenko never contested the decision of the General Assembly setting a nominal figure for pages of translation, but rather the implementation of this decision by the Administration. On 8 April 2021, the USG/DGACM decided to approve a detailed proposal for an increase in the workload in accordance with the new standards, essentially by working longer hours. The changes were expanded beyond the intent of the General Assembly resolution and imposed without any prior staff/management consultations, although it had been requested. As a result, they were imposed without the necessary support or transitional arrangements required and without a clear understanding of their implications for those affected. They were imposed without consideration for the team structure of the services, for differing experience, or for the difficulty of the texts.

19. Mr. Ovcharenko submits that pursuant to Staff Regulation 8.1(a), staff members are entitled to formal staff/management consultations on changes in their conditions of service. No such consultations preceded the adoption of the new policy. Virtual meetings with staff do not constitute effective participation of staff representational bodies as required under the ceati0.022 Tc 0.026 T

Despite repeated requests to engage in such discussions, no consultation

25. Mr. Ovcharenko has also failed to demonstrate any error in relation to the consultation of staff representative bodies. As Staff Regulation 8.1 and ST/SGB/274 are not concerned with individual decisions, the UNDT correctly determined that neither Staff Regulation 8.1 nor ST/SGB/274 were applicable in the present case. This case relates to the implementation of the General Assembly's decision to increase workload standards by 16 percent for translation to 5.8 pages. The Secretary-General, through the USG/DGACM, was accountable for implementing General Assembly resolution 75/252. As correctly found by the UNDT, this included "deciding the specific workload standards and work output requirements". The UNDT correctly concluded that the Administration's decision to proportionally increase workload standard for self-revision was a rational use of discretionary authority. 3(S(6.72.0031y)5.-1729 ((2)-8a),-)at8- (U)h J17 6.anu1(e)i6.7u1(ew 6.0

General Assembly resolution 76/245, ACABQ report A/76/7, A/C.5/77/L.23, or General Assembly
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37. We agree with the UNDT that contested decisions which are specific appealable administrative decisions, and which have a “tangible individual direct impact”¹⁹ for each affected staff member, constitute individual cases and therefore should not be normally subject to staff consultation. We therefore find no error in the UNDT Judgment in this regard.

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THE UNITED NATIONS APPEALS TRIBUNAL

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Judgment

52. The appeal is dismissed, and Judgment No. UNDT/2023/006 is affirmed.

Original and Authoritative Version: English

Decision dated this 22nd day of March 2024 in New York, United States.

(Signed)

(Signed)

Judge Forbang, Presiding

Judge Ziadqwa 3806 salh 7 BDC e0 g0EX (Signed)