



UNITED NATIONS STAFF UNION
SYNDICAT DU PERSONNEL DE L'ORGANISATION DES NATIONS UNIES
44th STAFF COUNCIL/ 44^{ème} CONSEIL DU PERSONNEL

Resolution/Résolution

Resolution No.: 12

Meeting No.: 27

Date: 1 March 2012

Financial support for legal representation in the Leboeuf et al. case

The Staff Council,

Noting that the *Leboeuf et al.* case addresses a salary issue of common interest of all staff subject to overtime work and accrued compensated time,

Considering that the number of staff members in the case, initially 60, currently 35 makes it a class action case,

Reasoning that *Leboeuf et al.* can be expected to reaffirm the principle that employment conditions, standing practice and the interpretation of Staff Rules and Regulations may not be altered without prior good faith consultation with the Staff Union,

Recalling that the United Nations Appeals Tribunal invited the United Nations Dispute Tribunal to closely consider the above issue in its order to remand the case,

Considering that the United Nations Appeals Tribunal remanded the case to the United Nations Dispute Tribunal for further facts finding, on the premise that significant evidence on long standing practice had been ignored in its judgment,

Recognizing that the Appellants in *Leboeuf et al.* carried a significant burden in having brought their case successively to the administrative review, to the Joint Appeals Board, to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal since 2005,

Acknowledging that the Staff Union has been involved in *Leboeuf et al.* proceedings from the outset in 2004 through the intermediation of the Coordinator of the Staff Representatives Group in the Applicants' department with the Administration, and was kept apprised from 2005¹ to 2008,²

¹ 41st Staff Council, Meeting No. 45/Rev.1, 27 January 2005.

² Briefing to the Staff Union of 21 November 2008 on "Policy governing overtime and compensatory time".

Recalling that, upon consultation with the Union, the Administration submitted to the 41st Staff Council a draft administrative instruction in agreement with the claims of the Appellants, but has never promulgated it,

Further noting that all Appellants in *Leboeuf et al.* currently in service of the United Nations are dues paying members of the Union,

Noting that the Appellants in *Leboeuf et al.* have been carrying the burden and costs of litigation since 2005 while being employed at General Service level,

Recognizing that the Appellants in *Leboeuf et al.* have already incurred \$12,500 for their representation since 2005,

Noting that the Office of Staff Legal Assistance rejected the request of Appellants to represent them in appeals proceedings in 2010,

Deeply concerned that without financial support, the Appellants cannot afford further legal counseling and may therefore drop the case,

Therefore decides on an exceptional basis:

1. To support Appellants in *Leboeuf et al.*, provided that they are dues paying members, by allocating \$12,500 for the legal representation of the case in upcoming proceedings before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, if any, upon presentation of proper documentation on incurred fees;
2. To limit its financial support for *Leboeuf et al.* to \$12,500, regardless of potential future unforeseen expenses and fees;
3. To require all Appellants to individually pay back to the Union 50% of total compensation awarded to them, if any, by the United Nations system of administration of justice, up to a collective maximum of \$12,500.

ADOPTED

Adopted	YES
For	7
Against	1
Abstention	4

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