

## ALTERNATIVES TO THE FORMAL PROCESS

Staff members should first try to resolve employment-related disputes informally, through dialogue, negotiation, and if necessary, mediation, before bringing their grievance to the formal legal process.

Informal resolution of disputes takes less time than formal resolution, and gives the parties greater control over the process. It also often leads to more mutually beneficial solutions than formal legal action.

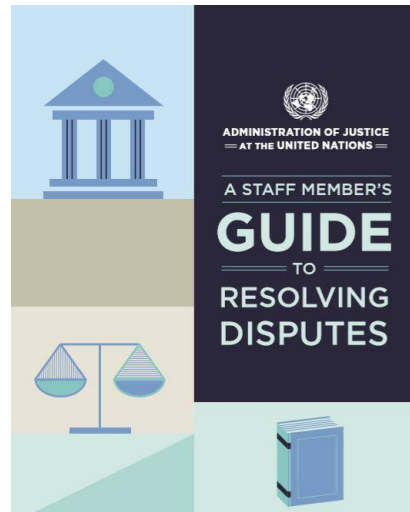
Informal resolution can be achieved through:

- Your office or department
- UN Ombudsman's Office
- The Office of Staff Legal Assistance
- Other informal means

More information about the ombudsman function is available at:

<https://www.un.org/en/internaljustice/overview/resolving-disputes-informally.shtml#homeombudsman>

## HOW DO I APPEAL AN ADMINISTRATIVE DECISION?



*A Staff Member's Guide to Resolving Disputes is available at*  
<https://www.un.org/en/internaljustice/assets/pdf/StaffMembersGuideToResolvingDisputes.pdf>

### MANAGEMENT EVALUATION

- If you decide to formally contest an administrative decision that you believe has impacted you negatively and which may have violated your employment rights, the first step is to request a management evaluation. This should be done in a letter addressed to the Under-Secretary-General for Management, with a copy to the head of department or office where you work. If you work in a separately administered Fund or Programme, the letter should be addressed to the Executive Head of the Fund or Programme.
- Further information on the management evaluation function including relevant email addresses for the submission of requests are available at: <https://www.un.org/en/internaljustice/undt/the-management-evaluation.shtml>
- In your letter, explain clearly the decision you wish to contest, who made the decision and when, how it violates your rights and why you believe the decision was improper or unlawful. The request should be a consolidated one with all the information the staff member wishes to have considered.

**Timeline:** The request for a management evaluation must be submitted within 60 calendar days of the time you received notification of the administrative decision you are contesting.

- You will receive a reasoned response to your management evaluation request within 30 days, if you work at New York Headquarters (Geneva Headquarters for UNHCR), or within 45 days, if you work at an office away from Headquarters. If you do not receive a response within these time limits, and wish to continue pursuing the matter, you should file an application before the United Nations Dispute Tribunal within 90 days of the date when you should have received a response to your request.

### WHEN IS MANAGEMENT EVALUATION NOT REQUIRED?

- If the decision you wish to contest concerns the imposition of a disciplinary or non-disciplinary measure pursuant to staff rule 10.2 following the completion of a disciplinary process, or if it is a decision taken by the administration based on the advice of technical bodies, a management evaluation is not required. In such cases, the decision can be appealed directly to the United Nations Dispute Tribunal.



**Timeline:** An application to the **United Nations Dispute Tribunal** must be filed within 90 calendar days of receipt of the management evaluation outcome or – if you have not received a response – within 90 calendar days from the moment the management evaluation outcome was due (which is within 30 days from the day you submitted your request if you work at New York Headquarters, or 45 days, if you work at an office away from Headquarters). In cases where management evaluation is not required, the application should be filed within 90 calendar days of when you were notified of the decision. If you have sought mediation through the Mediation Division of UNOMS, you have to file the application within 90 calendar days from the day the mediation ended unsuccessfully.



A toolkit for self-represented litigants is available for both the [United Nations Dispute Tribunal](#) and [United Nations Appeals Tribunal](#).

#### UNITED NATIONS DISPUTE TRIBUNAL

- If you are not satisfied with the outcome of the management evaluation (if required), or with a decision based on the recommendation of a technical body, or you wish to contest the imposition of a measure following a disciplinary process, you can file an application to the United Nations Dispute Tribunal.
- The application should be filed directly with the Registry of the United Nations Dispute Tribunal.
- At any time, the option of seeking a solution through informal means remains open, but it is important to remember that informal resolution is more effective at an early stage. The deadlines applicable to filing applications with the United Nations Dispute Tribunal may be extended to allow for informal dispute resolution, including mediation.
- Judgements of the United Nations Dispute Tribunal are binding on the parties. Both parties have the right to appeal a judgment to the United Nations Appeals Tribunal.
- Further information on the United Nations Dispute Tribunal, including how to electronically file an application, can be found on the website of the Office of Administration of Justice: <https://www.un.org/en/internaljustice/undt/>.

**It is critical to adhere to the timelines.** The United Nations Appeals Tribunal held “*Whether a deadline is missed by several minutes, several hours or several days is irrelevant.*” (Judgment No. 2016-UNAT-693)

#### UNITED NATIONS APPEALS TRIBUNAL

- A judgement by the United Nations Dispute Tribunal can be appealed to the United Nations Appeals Tribunal by either the staff member or the administration.
- The United Nations Appeals Tribunal is also competent to hear appeals from judgements of the UNRWA Dispute Tribunal and decisions following the first instance process of UNJSP, ICAO, IMO, ISA and ITLOS.
- The appeal should be directed to the Registry of UNAT in New York.
- Judgments of the United Nations Appeals Tribunal are final and binding on the parties.
- Further information on the United Nations Appeals Tribunal, including how to electronically file an appeal, can be found on the website of the Office of Administration of Justice: <https://www.un.org/en/internaljustice/unat/>.

**Timelines** for filing an appeal before the **United Nations Appeals Tribunal** vary depending on the type of the decision you wish to contest. Timelines are available at <https://www.un.org/en/internaljustice/unat/time-limits.shtml>