

## **Working methods (revised) of the Joint Advisory Appeals Board (JAAB)**

The Joint Advisory Appeals Board (JAAB) is a body established by article 10.5 of the Staff Regulations to assist the Director-General in taking any final administrative decisions concerning appeals filed under the relevant provisions of the Staff Regulations.

According to the terms of the Collective Agreement on Conflict Prevention and Resolution concluded between the International Labour Office and the ILO Staff Union on 24 February 2004, the JAAB is a body of peers operating within an industrial relations framework in accordance with procedures and the basic principles of fairness and justice generally recognized in international administrative law. Its aim is to advise the Director-General as to the merits of the specific claims submitted to it, based on the establishment of the relevant facts and documents.

The JAAB is composed of at least three chairpersons, who must not be ILO officials, appointed by the Director-General on the recommendation of the Joint Negotiating Committee (JNC), and of two groups of members, who must be serving officials, appointed by the Office and the ILO Staff Union Committee respectively. The chairpersons and members are appointed for a three-year term, which is renewable once. Each appeal is examined by a panel composed of a chairperson and two members, one from each group.

The JAAB has adopted the following working methods, concerning the manner in which it proceeds to examine the appeals referred to it. These methods should be read in conjunction with Annex IV of the Staff Regulations on the procedure of the JAAB. The aim of the methods is to ensure coherence in the work of the various panels, provide guidance to newly-appointed chairpersons and members and increase the transparency of the JAAB procedure.

### 1. Coordinating chairperson

At each meeting of the chairpersons, a coordinator is appointed for the period until the next meeting of the chairpersons.

### 2. Secretariat

The secretariat comprises the technical and the administrative secretaries and serves as an intermediary for communications issued by or addressed to the JAAB. In particular, the secretariat is responsible for any communications, notifications or transmission of documents provided for by the relevant provisions.

The secretariat provides the panels with all the information necessary for the examination of appeals, organizes meetings of the panels, chairpersons and the Board and prepares the summary reports

provided for in paragraphs 12 and 17 of Annex IV of the Staff Regulations, for approval by the competent panel.

### 3. Meetings of the chairpersons

The chairpersons of the JAAB meet on a regular basis at the initiative of the coordinating chairperson or the secretariat, or at the request of a chairperson, to address issues affecting the JAAB as a whole, in particular, in order to ensure the necessary coherence in the handling of procedural, administrative and other matters.

### 4. Plenary meeting of the Board

The Board holds a plenary meeting at least once a year.

### 5. Annual report

Each year, the Board submits a report to the Joint Negotiating Committee (JNC) on activities undertaken. This report contains information on the developments observed, as compared with previous years, and on the issues of substance and procedure encountered, as well as, if applicable, suggestions on measures to be taken concerning industrial relations which might contribute to reducing the number of appeals lodged with the Board.

### 6. Language

The language in which the appellant files the grievance is chosen from among the three official languages of the Office, and is, as far as possible, the language used throughout the procedure. All documents pertaining to the case are submitted in this language, as is the report of the Director-General. If necessary, arrangements can be made for the translation of relevant documents.

### 7. Submission of grievances and the comments of the Office

- (i) Any grievances must be transmitted to the secretariat. The grievance comprises the form referred to in paragraph 1 of Annex IV of the Staff Regulations, which should be duly completed, and particular attention should be drawn to the grounds for disagreement with the impugned decision. All relevant documents, in particular those referred to in the grounds for disagreement with the impugned decision, in the decision itself and in the grievance filed with the Human Resources Department (HRD) under article 13.2.1 of the Staff Regulations, should be appended to the form. The date the grievance is filed is the date on which it is received by the secretariat.

- (ii) The comments of the Office are submitted in the language chosen when the grievance was filed. The annexes to these comments are supplementary to the annexes to the grievance.
- (iii) To enable the Board to establish the facts correctly and to deal with the grievance as swiftly as possible, both the appellant and the Office shall submit documents that are directly relevant, clear and concise, and in a format that is legible and easy to understand.

#### 8. Composition of the panels

- (i) When establishing the panels, the secretariat takes due account of the availability of the chairpersons and members, their linguistic abilities and any reason for which their participation may be inappropriate.
- (ii) The identity of the members of the panel remains confidential throughout the entire procedure. It appears in the panel's report.

#### 9. Disqualification

The parties may indicate, in the case of appellants, through the form, and in the case of the Office, on receipt of the grievance, the names of any chairperson or member of the Board who they do not wish to handle a particular case, along with the grounds for disqualification.

Likewise, any chairperson or member not wishing to handle a particular case, especially if they are unavailable or think that their participation may be inappropriate, shall inform the secretariat.

#### 10. Role of the chairperson of a panel

As well as presiding over the deliberations with the aim of reaching a consensus, the chairperson also draws up the draft recommendations contained in the panel's report, for approval by the panel.

#### 11. Lack of unanimity

When a panel fails to reach a consensus on all or some of the recommendations, the separate or dissenting opinion of the minority member is mentioned in the report. In order to find a solution in cases in which an impasse is reached or there is a continued difficulty within the

panel, the panel brings this situation to the attention of the secretariat, which in turn informs the coordinating chairperson.

12. Documents and information

Panels may ask to see any documents or information they deem necessary and appropriate in order to establish the facts. If the relevant documents and information are confidential or include details about individuals other than the appellant, they are examined *in camera*.

13. Additional written submissions

The appellant may request the panel's permission to submit additional written comments; this decision is taken by the panel alone. If the panel agrees, the secretariat calls for a second round of written submissions. It sets the deadlines for submitting this documentation, taking into account the appellant's location and individual circumstances.

Further rounds of written submissions may be initiated at the request of the appellant, if the panel deems them necessary.

14. Hearings

Panels may hold any hearings they deem necessary and appropriate in order to establish the facts correctly. Hearings are held in the manner provided for in paragraphs 14 and 15 of Annex IV of the Staff Regulations. When a panel does not proceed to a hearing requested by one of the parties, the reasons are included in its report.

15. Deadline for the submission of reports

The exceptional circumstances that necessitate a deadline of over the three months provided for in paragraph 17 of Annex IV for a panel to submit its report include short periods of little or no activity in the Office, such as the summer holidays or the Office's end-of-year closure. In such cases, the secretariat informs the appellant and HRD of how long the panel's examination of the case is expected to take.

16. Joinder

If several grievances submitted to the secretariat are connected in fact and in law, the cases in question can be joined. A single report on the different grievances is then submitted to the Director-General, with a copy being sent to each appellant in accordance with article 13.3.4 of the Staff Regulations.

17. Suspension

If the two parties to a case decide to suspend its consideration, in accordance with paragraph 7 of Annex IV of the Staff Regulations, a written notification of the suspension shall be addressed to the secretariat, which will include this information in the case file and bring it to the attention of the relevant panel.

If the resolution of a case depends on the outcome of the deliberations of another administrative or judicial body considering all or part of the case, a panel may, in order to maintain procedural coherence, decide to defer consideration of the case pending said outcome. The case recommences once said outcome is made known. If necessary, the secretariat informs the interested parties of the fact that the case has recommenced. The parties shall be notified by the secretariat of the end of the suspension period.

18. Withdrawal

If a solution to an ongoing case is found, the parties notify the secretariat of their intention to withdraw the case. This withdrawal is included in the file and constitutes the end of the procedure.

19. Submission of the report

The submission by the secretariat of the panel's report to the Office of the Director-General constitutes the end of the procedure.