
UNITED NATIONS DISPUTE TRIBUNAL

Cases Nos.: UNDT/NY/2021/021
UNDT/NY/2021/024
Judgment No.: UNDT/2021/084
Date: 16 July 2021
Original: English

Before:

20. They further argue that in *Lloret-Alcaniz et al.* 2018-UNAT-840, the Appeals Tribunal held that the implementation of General Assembly resolutions involved an administrative decision with an adverse impact.

21. They further argue that the decision to impose new translation standards on the Applicants is not theoretical and directly affects their terms and conditions of employment.

22. To show that the 8 April 2021 announcement has been implemented related to the concerned staff members on an individual basis, the Applicants point to an email dated 1 April 2021 from the Chief of Language Services confirming that the implementation date of the new workload standards would be 1 May 2021. On 3 May 2021, the Chief of the French Translation Service emailed her colleagues that the new productivity standards would be entered into the official translation assignment records system, reflecting the implementation of the new standard for all staff.

23. To further demonstrate the practical effect of these changes, the Applicants submitted the translation records for one of the Applicants. The records for February 2021 indicate an average productivity of 130.34 percent, whereas in May 2021 it had fallen to 86.77 percent. Had the standard not changed, the performance of this particular Applicant would remain above 100 percent as his productivity in May 2021 was of 5.03 pages. The change of calculation in the official translation assignment record system is clear evidence of implementation.

24. The Applicants provide further records to show the implementation of the decision as of May 2021.

25. The Applicants argue that the introduction of the new higher standards will result in averages of less than 100 percent, which is cause for a grading of partially

unsatisfactory performance or unsatisfactory performance, which, in turn, may lead to non-extensions or terminations of the concerned staff members appointment.

26. The Applicants state that, while in the past year up to March 2021, most staff met or exceeded the old standard, this can now be expected to change.

27. According to the Applicants, the translation services are one occupational area where output can be empirically measured and these measurements have been and will continue to be used to make decisions on contractual status. If changes in the job requirements cannot be challenged, staff would arguably be precluded from raising the legality of such a decision at a later time. For that reason, the decision to unilaterally impose new requirements not mandated by the General Assembly and without proper staff/management consultation should be deemed an appealable administrative decision.

Legal framework

28. Under art. 2.1(a) of the Dispute , the Tribunal to hear and pass judgment on applications against administrative decisions alleged to be in non-

Discussion

31. In the instant case, it is undisputed that the measures announced by the USG/DGACM on 8 April 2021 were meant to be implemented on 1 May 2021. The annexes submitted by the Applicants to demonstrate the

Conclusion

36. The applications are dismissed.

(Signed)

Judge Joelle Adda

Dated this 16th day of July 2021

Entered in the Register on this 16th day of July 2021

(Signed)

Nerea Suero Fontecha, Registrar, New York