Information Circular – Circulaire d’information

Ref. ICC/INF/2007/001

Date: 06 March 2007

Appeals Procedures against disciplinary and administrative decisions

The attached Charts are issued to facilitate staff understanding of the internal procedures for reviews and appeals against disciplinary and administrative decisions. Staff are strongly urged to follow these procedures and to strictly observe the prescribed (mandatory) time limits for all internal reviews and appeals process. An appeal/review which is not filed within the prescribed time limits shall not be receivable.

Bruno Cathala
APPEALS AGAINST ADMINISTRATIVE DECISIONS

REVIEW PROCEDURE*

Administrative decision

Request for review
Within 30 days of notification of the administrative decision – Mandatory
Staff Rule 111.1(b); Rule 2(b) RPAB**

Conciliation
within 30 days of initiation + possible extension
Staff Rule 111.1(c); Rule 3(a) RPAB

Conciliatory conclusion
Rule 3(a) RPAB

If conciliation fails,
notification to staff member
Rule 3(c) RPAB

Case closed

Decision on Request for Review
Within 30 days of request
Rule 2(b) RPAB

Absence of review decision

Appeal against administrative/review decision
Within 30 days after the notification of review decision;
Staff Rule 111.1(d); Rules 2(a) & 4(b)(i) RPAB
or,
in the absence of a review decision, within 30 days after such decision was due - Rules 2(b) & 4(b)(ii) RPAB;
or,
in the event of failed conciliatory proceedings, within 30 days after notification - Rules 3(c) & 4(b)(iii) RPAB;
or,
within 30 days from the expiration of the time-limit(s) - Rules 3(a) & 4(b)(iv) RPAB

* For questions, comments or suggestions contact Registry Legal Advisory Services Section.
** Rules of Procedure of the Appeals Board.
APPEALS AGAINST ADMINISTRATIVE DECISIONS

APPEALS BOARD PROCEDURE*

File a Statement of appeal

Within 30 days after the notification of the review decision; Staff Rule 111.1(d); Rules 2(a) & 4(b)(i) RPAB; or, in the absence of a review decision, within 30 days after such decision was due - Rules 2(b) & 4(b)(ii) RPAB; or, in the event of failed conciliatory proceedings, within 30 days after notification - Rules 3(c) & 4(b)(iii) RPAB; or, within 30 days from the expiration of the time-limit(s) - Rules 3(a) & 4(b)(iv) RPAB

Registrar/Prosecutor’s Response

Within 20 days after the receipt of the appeal

Rule 8(a) RPAB

Further written observations/hearings***

Rule 9(b) RPAB

Submission of Panel’s report

Within 90 calendar days of the case being brought to the attention of the Appeals Board. ****

Staff Rule 111.3(c) & (f); Rule 11(a) RPAB

Registrar/Prosecutor’s final decision

Within 30 days of submission of the AB report

Staff Rule 111.3(g)

Appeal to the ILOAT

Within 90 calendar days of the final decision

Staff Rule 111.5

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** Suspension of Action pursuant to Staff Rule 111.4(b); Rule 12 RPAB
*** Abandonment/Withdrawal/Settlement of appeal can occur at any stage before submission of Panel’s report pursuant to Rule 13, 14, 15 RPAB.
**** 90 calendar days start running from the date of submission of a full Statement of appeal by the staff member.
**DISCIPLINARY PROCEDURES**

**Unsatisfactory conduct**

*Staff Regulation 10(a); Staff Rule 110.1*

- **Notification of allegations/due process**
  
  *Find out whether there is prima facie case*
  
  *Staff Rule 110.2(a)*

- **Evidence found**
  
  - **Waiver agreement**
    
    *Staff Rule 110.2(b)(i)*
  
  - **Disciplinary measure imposed**
    
    *Staff Rule 110.6(a)*
  
  - **Case closed**

- **No evidence found**
  
  - **Referral to DAB**
    
    *Staff Rules 110.2(b); 110.4(a)*
  
  - **DAB proceedings**
    
    *Staff Rule 110.4*
  
  - **DAB review and advice**
    
    *Staff Rule 110.2(c)*
  
  - **Submission of report**
    
    *Within 30 calendar days of the case being referred to the DAB*
    
    *Staff Rules 110.4(b);(c)*
  
  - **Final disciplinary decision**
    
    *Staff Rule 110.8*

- **Appeal to ILOAT***
  
  *Staff Rule 110.8*

**Serious misconduct**

*Staff Rule 110.7*

- **Summary dismissal**
  
  *Staff Rule 110.7*

- **Request for DAB** review
  
  *Within 60 days*
  
  *Staff Rule 110.2(c)*

- **DAB** review and advice
  
  *Within 30 days*

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**DAB** – Disciplinary Advisory Board.

***ILOAT – International Labour Organisation Administrative Tribunal.