

1st General Assembly
International Organization for
Marine Aids to Navigation



18-21 February 2024
Singapore

I-Consideration of reports and proposals received from member States, the Council or the Secretary-General

I.1.1– Note on the International Labor Organization Tribunal

Note on the International Labor Organization Tribunal (ILOAT)

Note by the Secretariat

BACKGROUND

By becoming an IGO the Organization in principle no longer falls automatically under the jurisdiction of the French judiciary system. This applies specifically to all matters regarding the relation between the organization and its staff. With the approval of the Staff Rules by the transition Council, it is instead the jurisdiction of the International Labour Organization Tribunal (ILOAT) being recognized by the Organization when an internal complaint, mediation, and an appeal to the Joint Appeals Board have not led to a solution of the problem between the staff member and the Organization.

LEGAL IMPLICATIONS

The Organization need to formally recognize the jurisdiction of the ILOAT by sending a declaration to the Director-General of ILOAT.

It is necessary to declare the jurisdiction after the approval of the Staff Rules and before the transition of staff in order to protect the staff at all times and offer them if necessary the jurisdiction of the ILOAT in all matters affecting the contract between the staff member and the Organization.

Legally, the declaration by the Organization expressing its wish to accept the jurisdiction of ILOAT and the acceptance by ILOAT is considered an agreement with an international organization. The transition Council in its responsibility for the facilitation of the transition from the association to the Organization approve the agreement between the Organization and the ILOAT on the acceptance of the jurisdiction in accordance with the General Regulations of the association mutatis mutandis. According to Article 7.7 (m) of the Convention the General Assembly approves agreements with international organizations. Therefore, it is considered necessary that the first General Assembly formally approves the arrangements.

THE GENERAL ASSEMBLY IS REQUESTED TO

The General Assembly is requested to approve the decision of the transition Council to join the ILO tribunal as stated in the draft Resolution GA01-06.