



## **Application**

1. In an application received and recorded at the Registry of the Dispute Tribunal on 4 December 2009, the Applicant disputes the decision of the Assistant Secretary-General, Controller, Office of Programme Planning, Budgets and Accounts, to outsource the medical insurance plan for local staff to GMC Services.
2. He asks the Tribunal to rescind:
  - (a) The above decision as it applies to local staff working in Bangkok;

14. On 18 January 2011, the Tribunal asked the parties if they had any objections to a decision being made without a hearing, based on the written record. On 19 and 26 January 2011 respectively, the Applicant and Respondent replied that they had no objection to the Tribunal's decision being made based on the written record.

### **Parties' contentions**

15. The Applicant's contentions are:

(a) The decision contested is unlawful because it was taken without consulting the executive committees of representative staff bodies. The medical insurance plan for local staff and former local staff is fundamental to their living and working conditions; but paragraphs (f) and (h) of Rule 8.1 of the provisional Staff Rules provide that administrative instructions or directives on issues relating to staff welfare, including conditions of work and general conditions of life, shall be transmitted in advance to the executive committees of the representative staff bodies concerned for consideration;

(b) Contrary to the view of the Management Evaluation Unit, the decision contested is appealable because it was a unilateral decision having a direct legal effect on many staff members, including the Applicant;

(c) The requirement that current and former local staff produce the necessary documents for reimbursement of medical expenses in English has major disadvantage]TJ-.8(s)It]TJ10.476 '

19. However, the Respondent asserts that the application is inadmissible on the grounds that the decision contested is one not appealable to this Tribunal.

20. Article 2.1 of the Statute of this Tribunal provides:

The Dispute Tribunal ... shall be competent to hear and pass judgement on an application filed by [any staff member] against the Secretary-General as the Chief Administrative