



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/027

Order No.: 121 (NY/2023)

Date: 1 November 2023

Original: English

Before: Duty Judge

Registry: New York

Registrar: Isaac Endeley

CALDIN AND LANGELAAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Jenny Kim, AS/ALD/OHR, UN Secretariat

Introduction

1. By application dated 14 August 2023, the Applicants, Mr. Caldin, a Reviser, at the P-4 level, with the Department for General Assembly and Conference Management (“DGACM”), and Mr. Langelaar, a Corrections Officer, at the P-5 level, with the United Nations Assistance Mission in Somalia (“UNSOM”), contest DGACM’s 23 March 2023 decision and UNSOM’s 12 March 2023 decision to reject each of their requests to be granted 16 weeks of parental leave under the Organization’s new parental leave framework, ST/AI/2023/2 (Parental leave and family leave), (“contested decisions”).

2. On 14 September 2023, the Respondent filed a reply submitting that the Application has no merit. The Respondent argues that the Applicants have no legal right to 16 weeks of parental leave. ST/AI/2023/2 (Parental leave and family leave), which implements provisional Staff Rule 6.3 and grants 16 weeks of parental leave to parents who become parents without giving birth only applies to a staff member whose child was born or adopted on or after 1 January 2023. The Respondent states that since Applicant Caldin’s child and Applicant Langelaar’s child were born before 1 January 2023, the parental leave entitlements of ST/AI/2023/2 do not apply to the Applicants.

Consideration

3. The General Assembly has repeatedly reaffirmed that the informal resolution of conflict is a crucial element of the system of administration of justice. Having considered the issues arising in this case, the Tribunal is of the view that the case may be amenable to informal and amicable resolution. The Tribunal therefore considers it appropriate to provide the parties with an opportunity to resolve the case informally.

4. The parties are free to attempt informal resolution of the disputes arising in the case through the United Nations Ombudsman and Mediation Services or via *inter partes* discussions. Should the parties decide to attempt informal resolution of the matter, they shall promptly inform the Tribunal thereof and seek suspension of the proceedings.

5. Having taken into consideration the pleadings of the parties, the Tribunal has concluded that the Applicants should be given an opportunity to respond to the Respondent's reply.

6. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and for a fair disposal of the case,

IT IS ORDERED THAT:

7. The Applicants and Counsel for the Respondent are to confer with a view to resolving the matters in this case informally. By **4:00 p.m. on Friday, 1 December 2023**, the parties are to file a jointly-signed statement informing the Tribunal whether they agree to attempt informal resolution. If so, they may request a suspension of the proceedings.

8. If the parties do not agree to attempt informal resolution, by **4:00 p.m. on Friday, 5 January 2024**, the Applicants shall file a rejoinder to the Respondent's reply.

(Signed)

Judge Joelle Adda

Dated this 1st day of November 2023

Entered in the Register on this 1st day of November 2023

(Signed)

Isaac Endeley, Registrar, New York