

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 Economic and Social Affairs, United Nations Office at Nairobi, Kenya, and Corrections Officer, at the P-5 level, with the United Nations Assistance Mission in Somalia (UNAMIS), filed a request for 16 weeks of parental leave and family leave in accordance with 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 Applicants requested that the Tribunal grant them 16 weeks of parental leave and family leave for their children who were born before 1 January 2023, the parental leave entitlements of ST/AI/2023/2 do not apply to the Applicants.

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 argues that the Applicants' children 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.

