



Requests for Review: cases closed?

The [Conflict Resolution Unit](#) (CRU) acts as the receiving section for management review requests (RfRs). It does not carry out itself the management reviews but allocates instead each request to the corresponding reviewer (manager), the declared aim being to resolve employment-law-related administrative disputes at an early stage, thus preventing further litigation.

It appears not uncommon that the CRU refuses to register requests and to forward them for review to any reviewer for decision¹. Instead, requesters receive an email informing them that the subject-matter is already “closed” at management review stage and that their demands will not be treated as requests for review by the CRU. Sometimes reasons are given in the emails issued by the CRU for closing the cases. The reasons are generally very summary and superficial.

No reasoned decision

We enquired with PD43² about this procedure. In her reply, she confirmed that the practice of declaring cases “closed” was an established one³, “to facilitate the smooth functioning of the internal justice system” and “avoid proliferation of proceedings” by filtering out cases where no individual decision had been made or cases already covered by a previous reviewed decision. PD43 confirmed to us in writing that “[t]he CRU does not take any decision on the content of the request”.

Indeed, a reasoned decision on an RfR within the meaning of Article 109(4) ServRegs should be clearly identifiable as such, indicate the means of redress available and be signed by a manager. As a result, an email from the CRU is not a reasoned decision and its date has no consequence on the applicable time limits.

The requester should expect in such cases that no reasoned decision will be issued. Thus, the fiction of an implied decision of rejection within the meaning of Article 109(7) will apply after two months from the date of receipt of the RfR by the CRU.

¹ No meaningful statistics are available. RfRs are individual. However, **155** RfRs were allegedly registered in 2017, covering a total of **1301** requesters. **6%** (covering an unknown number of requesters) were filtered out (see pages 3/17 and 7/17 of the [2017 CRU Activity Report](#)).

² The CRU underlies PD43 for the time being.

³ It was mentioned for the first time in the [2016 CRU Activity Report](#).

Considering the next step

Requesters have strict time limits for making the next step, i.e. three months for filing the subsequent internal appeal or, where applicable⁴, ninety days for filing a complaint at ILOAT. Before taking the next step, they should of course reflect on the cogency of any arguments given by the CRU as to why an RfR would have been premature, irreceivable or anything else. If they decide to go further, they should consider countering the arguments given by the CRU.

A review on the cheap

We feel that the procedure is confusing for staff and defeats the declared purpose of the RfR process: RfRs were introduced in order to give management an opportunity to reflect on its decisions and explain its grounds in writing, with a view to settling out disputes before they reach the stage of real litigation (mostly in the Appeals Committee)⁵. Instead, the “established practice” often furnishes on the cheap arguments unlikely to settle any dispute.

The Central Staff Committee

⁴ In cases where the ServRegs exclude the internal appeals route.

⁵ See [CA/99/12](#), points 7, 23 and 24