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Submitted by: the **Secretariat**

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Arms Trade Treaty

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ALIGNMENT OF THE ATT SECRETARIAT'S STAFF RULES AND REGULATIONS WITH THE HEADQUARTERS' AGREEMENT

1. On 07 July 2016 the CSP2 President notified States Parties that the Secretariat's Staff Rules and Regulations, adopted by silence procedure on 25 May 2016, requires minor alignment with the Headquarters' Agreement between the Secretariat and the Swiss Federal Council with respect to provision of a labour dispute mechanism applicable to the Secretariat's staff members. In the same notice, the CSP2 President advised that the proposed technical adjustment proposal to the Secretariat Staff Rules and Regulations will be presented to CSP2 for adoption under Item 10 of the CSP2 Provisional Agenda.
2. Consideration of various labour dispute mechanisms has been made and the Geneva Tribunal ("*Tribunal des Prud'Hommes*") has been found to be the most appropriate for the Secretariat in view of the Secretariat's functions and capacity.
3. In order to accommodate the *Tribunal des Prud'Hommes*' jurisdiction in the Secretariat's Staff Rules and Regulations, Section 2 of the Staff Rules and Regulations should be adjusted through the insertion of the following provision:

Disputes Settlement:

2.15 Settlement of Disputes

2.15.1 As a first step, attempts shall be made by the Head of the Secretariat and a staff to resolve grievances or disputes amicably on an informal basis.

2.15.2 The Secretariat provides a framework and procedures that guarantee due process and equity for dealing promptly and fairly with a staff's grievances and appeals of employment related decisions.

2.15.3 *Any dispute arising between the Secretariat and a staff alleging non-compliance with the staff's terms and conditions of employment or his or her employment contract, including all pertinent regulations and rules of the Secretariat, which cannot be resolved amicably may be referred to the "Tribunal des Prud'Hommes" in Geneva. The Secretariat will comply with any decision rendered by the "Tribunal des Prud'Hommes" in Geneva as well as, in the case of appeal, the Court of Justice of the canton of Geneva and the Swiss Federal Tribunal.*

PROPOSAL TO CSP2 FOR ADOPTION

'To further align the Secretariat's Staff Rules and Regulations with the Headquarters' Agreement as well as the Agreement on Administrative Arrangements, it is proposed that the following actions be adopted:

- a. Recognise the jurisdiction of the "Tribunal des Prud'Hommes" in Geneva as a labour dispute settlement mechanism applicable to the Secretariat.*
- b. Waive the immunity of the Secretariat and the immunity of its staff for the limited purpose of the settlement of labour disputes.*
- c. Authorise the Head of Secretariat to transmit to the Permanent Mission of Switzerland to the United Nations Office and to other international organisations in Geneva a declaration of acceptance of the jurisdiction of the "Tribunal des Prud'Hommes" and a notification of the waiver of the immunity of the Secretariat and its staff for the limited purpose of labour law disputes.*
- d. Make the necessary adjustments to the Secretariat Staff Rules and Regulations as set out above.*
