

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

O. (No. 5)

v.

IOC

140th Session

Judgment No. 5093

THE ADMINISTRATIVE TRIBUNAL,

Considering the fifth complaint filed by Ms L. O. against the International Olive Council (IOC) on 3 March 2024 and corrected on 18 April 2024;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions of the complainant;

CONSIDERATIONS

1. The complainant is a former staff member of the IOC, who retired on 31 December 2021, and benefits since that date from an “After Service Health Insurance” provided by the organization.

By a letter of 5 December 2023, the Administrative Management and Human Resources Unit contacted her to know whether she wished to continue to benefit from the IOC’s health insurance in 2024. She was informed that the company A. – whose contract with the IOC would expire on 31 December 2023 – would continue to be the organization’s insurance provider in 2024, “with the same product and the same price” as in 2023. In the event that she agreed to continue her insurance membership for 2024, she was advised that she would receive a document with “the final cost” and the bank account details to make the

payment. She received the said document and details on 20 December 2023.

On 22 December 2023, the complainant sent an email to the IOC requesting to be provided with the electronic link for the healthcare insurance subscription for 2024 and to obtain some clarifications. She stated that she had contacted the company A. directly and was informed that the insurance policy foresaw full reimbursement of doctor's fees but that she had constantly been reimbursed only 80 per cent. She asked the IOC to "consider covering the entire costs of the [company A.] insurance policy for retired staff members" and to "consider negotiating a broader policy that would cover all medical costs" to conform with the Host State Agreement. She concluded by stating that, should her requests be rejected, "[she] consider[ed] lodging a complaint with the [...] Tribunal".

2. The complainant has filed the present complaint on 3 March 2024. In her complaint form and at the end of her brief, she identifies the 5 December 2023 letter as constituting the impugned decision and requests that it be set aside.

In the section of the brief pertaining to receivability, she refers to her requests of 22 December 2023 and blames the IOC for not having replied within two months, which would justify the direct filing of her complaint with the Tribunal.

3. The Tribunal considers that the complainant has clearly and unambiguously identified the impugned decision on the complaint form and in her claims for relief as the letter of 5 December 2023. The complaint cannot therefore be construed as directed against an implied rejection of the requests she made in the 22 December 2023 email.

4. Under the Tribunal's case law, an act by an officer of an organisation constitutes an administrative decision only if it has a legal effect (see, for example, Judgments 4928, consideration 3, 4499, consideration 8, 3141, consideration 21, 2573, consideration 10, 1674, consideration 6(a), and 532, consideration 3).

In the present case, the Tribunal is satisfied that the 5 December 2023 letter, objectively construed, did not have any legal effect as its purpose was to inform the complainant that the health insurance provider would not change and to ask her whether she wanted to remain affiliated in 2024. If this were to be the case, she would receive another document containing “the final cost” and the bank account details. As such, the 5 December letter did not contain in itself an administrative decision within the meaning of the abovementioned case law.

5. It follows from the foregoing that the complaint is clearly irreceivable and must be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 26 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

JACQUES JAUMOTTE

CLÉMENT GASCON

RENÉ M. VARGAS M.