



CSAT APPL/ 24, APL/25, APL 26

**THE COMMONWEALTH SECRETARIAT ARBITRAL TRIBUNAL**

IN THE MATTER OF

**EFE OTOTAHOR**

**Applicant**

and

**THE COMMONWEALTH SECRETARIAT**

**Respondent**

**GIZELA ERASMUS**

**Applicant**

and

**THE COMMONWEALTH SECRETARIAT**

**Respondent**

**OLUSOLA AINA**

**Applicant**

and

**THE COMMONWEALTH SECRETARIAT**

**Respondent**

**Before the Tribunal Constituted by**

**Mr Christopher Jeans QC , President**

**Mr Dheerendra Kumar Dabee SC, Member**

**ORDER**

**IT IS ORDERED AS FOLLOWS:**

1. On or before 2<sup>nd</sup> April 2015 the Respondent shall deliver to the Tribunal and the Applicants' legal representatives the document which was attached to the email of 15<sup>th</sup> June 2012 timed at 19:37 from Marilyn Benjamin to "ALLSTAFF- London" (Annex XI to the Applications) and which is mentioned in the second paragraph of that email as "the attached document"
  
2. On or before 9<sup>th</sup> April 2015 the Respondent shall serve on the Tribunal and the Applicants' legal representatives further submissions in relation to the document delivered under paragraph 1 above
  - (i) specifying whether it is accepted that the job title pertaining to the Applicants' job was listed in that document
  
  - (ii) if the answer to (i) is "yes", explaining whether the Respondent resists the contention that the Respondent was promising or representing
    - (a) that the Applicants' jobs would be re-graded to point "K" and
    - (b) that the job-holders would be paid back payand (if so) setting out the basis for resisting that contention and any explanation or justification for not complying with any promise or representation which might have been made;
  
  - (iii) if the answer to (i) is "yes", explaining whether the Respondent has declined to implement re-gradings (and pay back pay) in the case of other job-titles listed in the document delivered pursuant to 1 above and explaining why, if it

be the case, the Respondent has implemented re-grading and back pay in the case of some but not all of the “positions listed” in “the attached document”

- (iv) if the answer to (i) is no, explaining the basis of that denial.
- 3. On or before 18<sup>th</sup> April 2015 the Applicant shall serve on the Tribunal and the Respondent a response to the Respondent’s submissions delivered pursuant to paragraph 2 above. If it is accepted by the Applicants that the job-title pertaining to their job was not among the “positions listed” in the document produced under paragraph 1 above the submissions must include an explanation as to how, in these circumstances, the Applicants advance their case in relation to re-grading and back pay.
- 4. On or before 25<sup>th</sup> April 2015 the Respondent will serve on the Tribunal and the Respondent a reply to the Applicants’ submissions served under paragraph 3 above.
- 5. The Tribunal will then deliver a separate judgment addressing the job evaluation/grading claim.

Dated 25 March 2015

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**Christopher Jeans Q.C., President**

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**David Goddard QC**

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**Dheerendra Dabee SC**