

1. The A44#Scant le#uests !esc\$ss\$son of t%e dec\$ss\$son dated 27 1 a!c% 2012 8 9%\$c% t%e "t%\$cs ' ff\$ce !efused to conside! t%at t%e sett#ement ag!reement s%e %ad conc#uded on 29 June 2011 9\$t% t%e &nte!nat\$ona# Trade Cent!e :&TC;5 fo##o9\$ng med\$at\$on5 const\$ted a 4!otected act\$/\$t8 9\$t%\$n t%e sco4e of t%e (ec!eta!8-Gen!a#<s u##et\$n (T/(G*/2005/21 :P!otect\$on aga\$nst !eta#sat\$on fo! !e4o!t\$ng m\$conduct and fo! coo4e!at\$ng 9\$t% du#8 aut%o!\$=ed aud\$ts o! \$n/est\$gat\$ons;.

2. (%e a#so !e#uests t%e T!\$ una#:

a. To f\$nd t%at s%e 9as su >ected to !eta#sat\$on and o!de! t%at %e! case e !efe!!ed to t%e ' ff\$ce of &nte!na# ' /e!\$g%t (e!/\$ces : '&' (; fo! \$n/est\$gat\$on?

. To o!de! t%at 4!otect\$on e e@tended to 9\$tnesses and (aff Counc# mem e!s 9%o ass\$sted %e! and 9%o face t%e!eats of !eta#sat\$on?

c. To o!de! t%at %e! name e !emo/ed f!om a## T!\$ una# o!de!s and >udgments.

A. The A44#Scant 9as !ec!u\$ted 8 &TC \$n Gene/a on 20 Janua!8 2009 on a s%o!t-te!m a44o\$ntment t%at 9as !ene9ed unt#\$ 19 Ju#8 2009. , o##o9\$ng t%e ent!8 \$nto fo!ce on 1 Ju#8 2009 of t%e ne9 (aff)egu#at\$ons and)ues5 t%e A44#Scant 9as !ea44o\$nted on 20 Ju#8 2009 to t%e same 4ost on a tem4o!a!8 a44o\$ntment. (%e se!./ed as a G-5 P!og!amme Ass\$stant unt#\$ A1 1 a8 2010.

B. 'n 27 'cto e! 20105 t%e A44#Scant su m\$tted to t%e (ec!eta!8-Gen!a# a !e#uest fo! a management e/a#uat\$on of t%e &TC dec\$ss\$son f\$nd\$ng %e! \$ne#\$g\$ #e fo! t%e P-2 4ost \$n !es4ect of 9%\$c% s%e %ad een 4e!fo!m\$ng some dut\$es.

5. ,o##o9\$ng t%e !efe!!a# of t%e case to med\$at\$on t%oug% t%e ' ff\$ce of t%e Un\$ted Nat\$ons ' m udsman and 1 ed\$at\$on (e!/\$ces :UN ' 1 (;; a sett#ement ag!reement 9as s\$gned on 29 June 2011.

7.

15. In D 1 a8 2012, the A44#scant su m\$tted a le6uest to the (ec!eta!8-Gene!a# fo! a management e/a#uat\$on of the decs\$on dated 27 1 a!c% 2012 8 9%\$c% the "t%\$cs ' ff\$ce lefused %e! 4!otect\$on aga\$nst the leta#sat\$on to 9%\$c% s%e 9as su >ected afte! s%e %ad conc#uded a sett#ement ag!eement 9\$t% &TC on 29 June 2011.

17. Also on D 1 a8 2012, the A44#scant su m\$tted to the T!\$ una# a le6uest seeE\$ng t%at the de#\$ e!at\$on of the 4!esent a44#scat\$on e %e#d \$n a e8ance unt#\$ the outcome of the management e/a#uat\$on and ma\$nta\$n\$ng t%at %e! a44#scat\$on 9as lece\$/a #e.

1D. In 11 1 a8 2012, the le6uest fo! a management e/a#uat\$on 9as le>ected on the g!ounds t%at the decs\$on of the "t%\$cs ' ff\$ce \$s not an adm\$n\$st!at\$/e decs\$on t%at can e su m\$tted to the (ec!eta!8-Gene!a# fo! a management e/a#uat\$on.

1C. In 2 Ju#8 2012, 8 Judgment No. UNDT/2012/102, the T!\$ una# le>ected the a44#scat\$on contest\$ng the decs\$on lefus\$ng %e! 4a8ment of a le4at!\$at\$on g!ant.

19. In 7 Decem e! 2012, the T!\$ una# %e#d a %ea!\$ng 9%\$c% 9as attended 8 the A44#scant\$ /\$a te#econfe!enc\$ng and 8 Counse# fo! the)es4ondent.

20. The A44#scant<s content\$ons a!e:

a. (%e 9as su >ected to leta#sat\$on f!om 1 Ju#8 to 2D ' cto e! 2011? da8s efo!e %e! se4a!at\$on f!om se!/\$ce\$ 3uman)esou!ces c%anged \$ts 4o#\$c8 suc% t%at tem4o!a!8 staff 9%o leac%ed the t9o-8ea! #m\$t of consecut\$/e cont!acts 9ou#d no #onge! e a##o9ed to mo/e onto consu#tanc\$es 9\$t% the ' !gan\$=at\$on? on 21 Ju#8 2011, &TC \$nfo!med %e! t%at\$ des4te the sett#ement ag!eement conc#uded, the g!ade on %e! Pe!fo!mance A44!a\$sa# (8stem :PA(; le4o!t 9ou#d cont\$ue to a44ea! as G-5 and not P-2? t%!oug%out (e4tem e!5 /a!\$ous e!lo!s 9e!e made \$n the ca#cu#at\$on of the sa#a!8 o9\$ng to %e!? on 1C ' cto e!5 s%e 9as \$nfo!med t%at s%e 9as consde!ed \$ne#\$g\$ #e fo! the le4at!\$at\$on g!ant? du!\$ng the 9eeE of 2B ' cto e! 2011, afte! s%e %ad

21.

2A.

2C. In the present case, the decision of the Tribunal is being contested
as to consider that the agreement concluded on 29 June 2011 is a TC.

A2. The respondent also alleges the failure to submit a request for a management evaluation of the decision before the arbitration was filed as final grounds for non-acceptance of the arbitration.

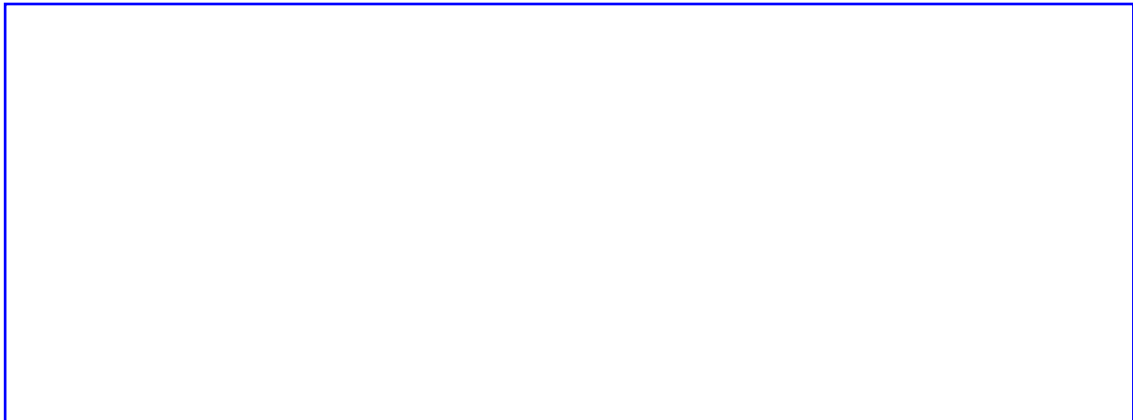
AA. Rule 11.2 of the (staff) rules states:

:a; A staff member is entitled to formally contest an

cannot be left to the A44#Scant to decide 9%et%e! %e o! s%e deems \$t 9o!t% 9%\$#e to
!e6uest suc% an e/a#uat\$on based on %\$s o! %e! c%ances of o ta\$n\$ng sat\$fact\$on.

A7. ,o##o9\$ng t%e)es4ondent<s)e4#8 of A 1 a

Paragraphs
39-44 struck out
by UNAT
Judgment N°
2013-UNAT-349.



**Paragraphs
39-44 struck out
by UNAT
Judgment N°
2013-UNAT-349.**

audst o! \$n/est\$gat\$on. Conse6uent#85 t%e ' ff\$ce \$n 6uest\$on5 9%ose com4etence \$s
 st!\$ct#8 #m\$ted to t%e cases 4!o/\$ded fo! \$n t%e (ec!eta!8-Genera#s u##et\$
 (T/(G*/2005/215 cou#d #egst\$mate#8 consde! t%at \$t 9as not a 4!otected act\$/t8
 and !e>ect t%e A44#\$cant<s com4a\$nt. I %\$#e t%e A44#\$cant c#a\$ms t%at t%e
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B5. &n /\$e9 of t%e fo!ego\$ng5 t%e T!\$ una# D"C&D" (:

T%e a44#\$cat\$on \$s !e>ected.

:Signed;
 Judge Jean- , !an. o\$ Cous\$
 Dated t%\$s 11t% da8 of Decem e! 2012

"nte!ed \$n t%e)eg\$ste! on t%\$s 11t% da8 of Decem e! 2012

:Signed;
)en0 1. Valgas 1.5)eg\$st!a!5 Gene/a

Paragraphs
 39-44 struck out
 by UNAT
 Judgment N°
 2013-UNAT-349.