

even assuming that it was not you who attached the cartoons, you as UNOPS Country Director are responsible for ensuring a harmonious working environment, free of intimidation, hostility offence and any form of prohibited conduct.

The Executive Director has decided that your conduct is highly inappropriate, especially for a UNOPS Country Director. The Executive Director also noted that you had been previously warned about your behaviour.

In view of the forgoing, the Executive Director has decided that it is in the interest of the Organization to place you on special leave with full pay with immediate effect for the remainder of your appointment. The Executive Director has also decided that your appointment will not be

contact you shortly to arrange for the handover of your responsibilities.

14. The shouting incident noted above occurred on 4 June 2016 at the Mogadishu International Airport (MIA), where UNOPS and other UN organizations worked, when it came under a standoff attack. Because of this, more than one hundred UN personnel (including the Special Representative of the Secretary-General [Mr. Michael Keating]) gathered in a bunker for safety reasons.

15. In this bunker, with numerous UN personnel present, the Applicant repeatedly shouted in anger at a UNOPS colleague (Mr. Ahmed Aden, a national liaison officer).

fucking

Security Advisor separated the Applicant from Mr. Aden.

16. The Applicant understood that this letter was to be placed in his personnel file.

17. On 2 September 2016, the Applicant submitted a Management Evaluation Request (MER) to UNOa

From: Kong Leong TOH

Sent: 10 September 2016 04:43

To: Nasser SHAMMOUT

Subject: RE: Request for a Management Evaluation - Michael Joseph ALLEN

Hi Nasser, I am writing to you regarding the request for a management evaluation of Mr. Michael Joseph Allen. I have reviewed the information provided and would like to discuss the findings with you. The request was made by the Board of Directors and I am sure you will understand the importance of this process. I will be conducting the evaluation and will provide you with a detailed report. I would like to make sure that I have not misunderstood the request. I will be conducting the evaluation and will provide you with a detailed report. I would like to make sure that I have not misunderstood the request.

RME, and would like to make sure that I have not misunderstood the request.

Best regards Kong

Kong Leong Toh | Legal Specialist

From: Nasser SHAMMOUT

Sent: 10 September, 2016 6:03 PM

To: Kong Leong TOH <KongleongT@unops.org>

Subject: RE: Request for a Management Evaluation Michael Joseph ALLEN

Hi Kong,

Thanks.

bad language, and acknowledged that he should not have done so, but because of the seriousness of the issue he felt very outraged. This was reported to us by the colleagues too in the original communication I believe. On the second issue, he did say to me that he had seen them, but also said that these were not in his office but in the conference room, and he did say that he had seen them with the additions to them because he said categorically that he did not feel responsible if other people felt that way and had hung them. The original letter, also mentions that this [*sic*] are in the office, which we all had agreed was part of his responsibility especially that he had mentioned seeing them and not acting on them.

Hope it helps.

Cheers.

Nasser.

Nasser Shammout | Deputy Director

From: Kong Leong TOH

Sent: 11 September 2016 01:06

To: Nasser SHAMMOUT

Subject: RE: Request for a Management Evaluation - Michael Joseph ALLEN

Kong

Kong Leong Toh | Legal Specialist

On Sep 13, 2016, at 8:53 PM, Nasser SHAMMOUT
<NasserS@unops.org> wrote:

Hi Kong, here it is, attached.

Cheers.

Nasser.

Nasser Shammout | Deputy Director

From: Nasser SHAMMOUT

Sent: 13 September, 2016 9:46 PM

To: Kong Leong TOH <KongleongT@unops.org>

Subject: RE: Request for a Management Evaluation Michael Joseph
ALLEN

Hi Kong, this week my calendar is cramped and tomorrow we have a 5-
hour planning session with the HQs directors. Maybe in the evening?
Or could Alejo help? What is it we want to discuss?

Cheers.

Nasser.

Nasser Shammout | Deputy Director

From: Kong Leong TOH

Sent: 14 September 2016 03:03

To: Nasser SHAMMOUT

Subject: Re: Request for a Management Evaluation - Michael Joseph
ALLEN

Thanks! Would you happen to be available for a Skype call sometime
tomorrow?

Best regards,

Kong

Sent from a mobile phone so please excuse brevity and typos.

From: Kong Leong TOH

Sent: 14 September 2016 04:09

To: Nasser SHAMMOUT

Subject: RE: Request for a Management Evaluation

in waiting to see the results. He did confirm the use of bad language and his outrage which was out of place and in front of others, including more senior non-UNOPS people and he apologized for that mishap. On the pictures, I said we have pictures that show these graphics and that these were inappropriate especially that he allows them, regardless where they were. Let me know if that helps. If you need to talk more, I can possibly make it around 5:30 right after the HQs planning meeting we have today. You can call me on my cell phone any time. Cheers.

From: Kong Leong TOH

Sent: 14 September 2016 13:33

To: Nasser SHAMMOUT

Subject: Re: Request for a Management Evaluation - Michael Joseph ALLEN

Thanks! Do you happen to recall how long the discussion lasted?

Best regards, Kong

Sent from a mobile phone so please excuse brevity and typos.

From: Nasser SHAMMOUT

Sent: 14 September, 2016 10:59 AM

To: Kong Leong TOH <KongleongT@unops.org>

Subject: RE: Request for a Management Evaluation Michael Joseph ALLEN

Hi Kong, I think it lasted for at least 30-40 minutes. I had it for 30

Nasser Shammout

(The time differences in the last two emails are correct since the author and the recipient are located in different time zones.)

23.

that the Respondent substantially complied with the *audi alterem partem* principle.

28. However, the Deputy Director recalled informing the Applicant that others said that they heard him shouting, with Applicant replying that this was because he was

29. As such, the Applicant did use offensive language where persons from other UN organizations heard it and saw the Applicant's demeanor and comportment.

30. Concerning the second allegation, the Applicant strenuously denied being responsible for, encouraging or condoning the placement of cartoons containing expletives being placed inside the UNOPS Somalia office. The Applicant further argued that the offensive cartoons were placed in an office 200 yards away from his own where he rarely had any occasion to visit. The Applicant categorically denied ever seeing this material, noting that the last time he saw the posters, they were in their original, unaltered state i.e., without the offensive cartoons attached.

31. UNOPS Somalia describe the situation very differently from what the Applicant had written above:

1. The part of the office in which the cartoons with the expletives was used by you to hold morning meetings, and you spent time in this part every working day.

2. You used this part of the office during the period that the cartoons with the expletives were there.

The Executive Director had previously warned the Applicant about his appears to have been added to try to create the appearance of a pattern

32.

I request you you [sic] not to hold grudges - it is impossible to work on

Nairobi to work as a team and I expect any divisive rhetoric to stop with immediate effect. I expect issues to be highlighted and assessed constructively and not with an attitude of defeatism or defensively.

. Paragraphs 15 and 16 of the 2001 Standards of Conduct provide:

15. Managers and supervisors are in positions of leadership and it is their responsibility to ensure a harmonious workplace based on mutual

16. It is natural for managers to be seen as role models and they have therefore a special obligation to uphold the highest standards of

Staff members in high-level management positions [] are expected to be able to quickly step into their positions and to provide quality leadership.

the Executive Director was concerned about only one thing:

[] unsatisfactory managerial performance and style. Concern about a

ecision not to renew a

fixed-term appointment.

41. The Standards of Conduct for the International Civil Service, 2013 is even more stringent. It provides,

therefore a special obligation to uphold the highest 3 UNOPS

Organizational Directive No. 8 (rev 1), Policy on Prohibition of Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority provides:

as
role models by upholding the highest standards of conduct and have the duty to take all appropriate measures to:

(a) Promote a harmonious working environment, free of intimidation, hostility, offence and any form of prohibited conduct. In order to achieve such an environment, Heads of Business Units, managers and supervisors must act as role models by upholding the highest standards of conduct.

42. The Respondent submits that the Applicants shouting (using offensive words [fucking]) at a supervisee in the presence of UN colleagues (including a Special Representative of the Secretary-General); the Applicants attaching cartoons with offensive captions (i.e. "From now on we'll fuck things up my way! and "Some days I

feel like I am(1)-9

47. In the instant case, the Applicant contends that even if UNOPS has not expressly adopted ST/AI/292, the legislation contained therein is so well established throughout the UN that it has become akin to a UN administrative peremptory norm, such that UNOPS is mandated to adhere to it, specifically the abovementioned
be included in the
personnel file unless it has been shown to the staff member concerned and the staff member is thereby given an opportunity to make comments

48.

-mails of 12 April

2016 -

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exceptionally where the ultimate outcome is an irrefutable foregone conclusion, for instance where a gross assault is widely witnessed, a theft is admitted or an employee spurns an opportunity to explain
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