

7. In November 2017, the Applicant spoke again to the Head of Mission about what she alleges was “continued harassment” from the Chief of Staff, UNAMA, and asked to be allowed to return to a field-based position of Political Affairs Officer (Team Leader) (P-4), as she occupied before her position of Special Assistant, Political Affairs.

8. From 1 April 2018, the Applicant was on certified sick leave.

9. On 12 July 2018, the Applicant was surprised to see that her position of Special Assistant, Political Affairs, was advertised in *Inspira*.

10. In response to her enquiry regarding the advertisement of her post the Applicant received a response from Human Resources on 12 July 2018 stating that she “will be placed on the new established P41This4999695j 3.3259j ()Tj 30.317.9940d (t1)Tj ()Tj -3

Prima facie unlawfulness

- a. The Applicant's reassignment from a Special Assistant, Political Affairs position to a Mission Planning Officer position would have adverse effects on her contractual status and career development as it unduly narrows the scope of her work and involves non-substantive planning functions. It also amounts to a demotion since the Mission Planning Officer position does not entail managerial responsibilities;
- b. The Organization failed to examine if the Applicant fulfils all the requirements for the Mission Planning Officer position and to take into account that the role she performed on a temporary basis was much more limited than the one of a regular Planning Officer;
- c. The Organization failed to consider that the Applicant is likely to remain under the supervision of the two managers who are the subject of her complaint;

Urgency

- d. Whilst no date has been set for the Applicant's reassignment, the memo of 27 August 2018 suggests that it is imminent;

Irreparable damage

- e. The Applicant would suffer damage to her professional reputation and career prospects by being subject to what she considers as a demotion.

Consideration

16. This application is made under art. 2.2 of the Statute and art. 13 of the Rules of Procedure of the Tribunal.

17. Article 13 of the Rule of Procedure provides as follows:

1. The Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the

subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.

2. The Registrar shall transmit the application to the respondent.

3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent.

18. It is clear that the Tribunal is under a duty to transmit a copy of the suspension of action application to the Respondent and to issue a decision

Prima facie unlawfulness

21. The Tribunal is satisfied by an examination of the

25. The unilateral transfer of the Applicant to another position to which she had been assigned only on a temporary basis, without her agreement and while her regular position is still available, raises serious concerns as to the motivation for this decision. The decision appears to be either not supported by the facts, in that the Applicant did not request her lateral transfer to the Mission Planning Officer position, or to be ill-motivated.

Urgency

26. According to the document attached to the transfer memorandum, the transfer was to be effective as of 1 July 2018. However, the same document was signed by the Chief of Staff on 27 August 2018 and the Applicant was asked to sign it by 30 August 2018, failing which a copy of the memorandum would serve as a record of the movement. It is understood that the transfer will occur imminently, thus the criteria of urgency is satisfied.

Irreparable damage

27. The Tribunal is satisfied by the Applicant's arguments that her transfer to a position that she has not chosen, that is not in her preferred field of work and that may entail less managerial functions than the post she formally encumbers, may cause irreparable damage to her career prospects.

ORDER OF THE TRIBUNAL

IT IS ORDERED THAT:

The decisions to reassign the Applicant from her current position of Special Assistant, Political Affairs to the position of Mission Planning Officer and to advertise her position of Special Assistant, Political Affairs, be suspended pending the outcome of management evaluation.

(Signed)

Judge Goolam Meeran

Dated this 31st day of August 2018

Entered in the Register on this 31st day of August 2018

(Signed)

René M. Vargas M., Registrar, Geneva