

Introduction

1. The Applicant is a Partnerships and Development Finance Officer at the Office of the Resident Coordinator in Riyadh, Saudi Arabia. She serves on a fixed term appointment as a National Officer - C level.

Procedural History

2. On 10 June 2020, the Applicant filed the subject application seeking to suspend the decision the Respondent made on 14 May 2020, not to renew her contract when it expires on 30 June 2020.

3. The Respondent filed his reply to the application on 12 June 2020, as directed by the Tribunal.

Facts and Submissions

4. The Applicant contends that she and her immediate supervisor, the Resident Coordinator, have a difficult working relationship in which she was subject to abuse and harassment. This has been the case, she says, since July 2019. In December 2019, the Applicant informed her supervisor that given the difficulties between them she would not like to be renewed on her current appointment. Her supervisor agreed.

5. On 8 April 2020, the Applicant informed her supervisor that she had changed her mind and would, in fact, like for her contract to be extended. This she contends was met with yelling and shouting by her supervisor, which behaviour was commonplace. The Applicant started seeking advice from the Ethics Office on 6 May 2020 and by email correspondence she received advice to proceed in either an official or an unofficial way regarding the harassment she was experiencing.

6. On 14 May 2020, the Applicant was informed that her contract was not going to be renewed upon its expiry on 30 June 2020.

7. On 15 May 2020, the Applicant filed a complaint of abuse of authority and harassment against her supervisor.

8. On 3 June 2020, the Applicant sought management evaluation of the Respondent's decision not to renew her appointment.

9. On 4 June 2020, she wrote to the Ethics Office for protection against retaliation.

10. It is the Applicant's case that the impugned decision is *prima facie* unlawful, in that the Respondent is obliged to tell her why he is not renewing her contract when she has expressly indicated her desire that it be renewed. She submits that allowing the impugned decision to subsist will cause her irreparable harm, and that the imminent date of implementation of the impugned decision satisfies the element of urgency in the tripartite test for an application for suspension of action.

11. As a preliminary point, the Respondent takes issue with the short timeline he was given to respond to the application. The Respondent also submits that the Applicant has not met the burden of demonstrating that the impugned decision was either *prima facie* unlawful or that it is of such particular urgency as to meet the cumulative test for a successful application for suspension of action.

Considerations

12. Applications for suspension of action are governed by art. 2.2 of the Statute of the United Nations Dispute Tribunal and art. 13 of the Tribunal's Rules of Procedure.

13. The three statutory prerequisites contained in art. 2.2 of the Statute, i.e. *prima facie* unlawfulness, urgency and irreparable damage, must be satisfied for an application for suspension of action to be granted.

Case No. UNDT/NBI/2020/043

Order No.: 114 (

Tribunal is required

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