
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/050
Order No.: 066 (NBI/2022)
Date: 16 June 202

further advised that if the renewed efforts to address the matter did not resolve the Applicant's concerns, that she should return to RCDS for further advice and consultation.³

6. According to the Applicant, following lengthy consultations involving RCDS, Human Resources, the Chief Supply Chain Management, the Ombudsman, herself and her FRO, on 28 January 2022, the Ombudsman sent a recommendation to the UNIFIL HOM/FC "to separate the two staff members from the supervisor and supervisory relationship".⁴

7. On 27 April 2022, the Applicant filed a request for management evaluation of the UNIFIL HOM/FC's implied rejection of, and failure to enact, measures to ensure a harmonious work environment and the prevention of prohibited conduct, in particular harassment, discrimination and abuse of authority against her by her FRO.⁵

8. By an inter-office memorandum dated 2 June 2022, the Applicant received the contested decision.⁶

9. On 6 June 2022, the Management Evaluation Unit ("MEU") informed the Applicant that the UNIFIL Administration had informed them that a decision had been taken to reassign her and her FRO to different offices within the Mission. The MEU further noted that she had been advised of her lateral reassignment pursuant to the 2 June 2022 inter-office memorandum. Based on this, the MEU found that the

The Applicant s submissions

11. The Applicant argues that her reassignment is unlawful because it is effectively a punishment for having sustained a complaint under ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority) against her supervisor; and that its essential effect is to discriminate against her for turning to the Organization to protect her rights as a victim of harassment. Further, that the decision is arbitrary, non-transparent, punitive in effect and has not been undertaken in the best interests of the Organization.

12. The Applicant submits that this matter is urgent because her employmen

unsupported, as there is no basis in fact or law to presume irreversibility of the reassignment decision. What is at stake for the Applicant pending management evaluation, is, literally, a couple of weeks of a different work experience.

ORDER

16. The application is rejected.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 16th day of June 2022

Entered in the Register on this 16th day of June 2022

(Signed)

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi