



## **Introduction**

1. On 19 December 2020, the Applicant, a Human Resources Specialist at the P-4 level with the United Nations Population Fund (“UNFPA”), filed an application requesting, under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure, suspension of action pending management evaluation of the selection decisions for the positions of Human Resources Adviser, Talent Acquisition at the P-5 level and Chief, Career Development and Talent Mobility at the P-5 level within the Division for Human Resources (“DHR”), UNFPA.

## **Factual background**

2. In August 2020, the Director of DHR announced a new structure for the Division.

3. On 15 September 2020, the Applicant was not neept(R)7 ( a)4ugusd(5)a-648 0 Td(t)-2

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12. The Tribunal recalls that irreparable harm is a loss that cannot be adequately compensated through a monetary award (*Khalouta* Order No. 138 (NY/2014)). Depending on the circumstances of the case, harm to professional reputation and career prospects, harm to health, or sudden loss of employment may constitute irreparable damage. The onus is, however, on the Applicant to demonstrate, with specificity, that irreparable damage will occur and must not be speculative (*Nwuke*, UNDT/2011/107).

13. At the outset, the Tribunal notes that the Applicant does not contest the selection decision in relation to the above-mentioned P-4 position and that she does not submit that she faces loss of employment. Based on that, it can be inferred that she is not at imminent risk of losing her employment.

14. The Applicant has neither articulated nor provided evidence of any irreparable harm. In the event that the contested non-selection decisions are found unlawful, they can be rescinded, and compensation can be awarded. Therefore, it is not true that the contested decisions are irreversible and therefore will lead to irreparable harm. Further, the Applicant does not articulate how the finding of unlawfulness of the contested decision may cause her irreparable harm.

15. Moreover, the Applicant states that she will suffer a reduction in pay of 0.009 1 (e)6.5aftio7veered, c

*Prima facie unlawfulness and urgency*

18. As the Applicant has not satisfied the requirement of irreparable harm, the application fails and there is no need to examine the other two conditions, namely *prima facie* unlawfulness and urgency.

IT IS ORDERED THAT:

19. The application for suspension of action is rejected.

*(Signed)*

Judge Joelle Adda

Dated this 22