1.　　　n 16 !a"#$ 2014‖ t$e A&&'(#ant‖ a fo"me" P"o#u"ement Ass(stant)G*+, (n t$e Un(ted Nat(ons Po&u'at(on -und).UN-PA/, 0ased (n Co&en$agen‖ f('ed an a&&'(#at(on #ontest(ng t$e de#(s(on of 23 1e&tem0e" 2013 to &'a#e $e" on s&e#(a' 'ea2e 3(t$ fu'' &a4).15 6 -P/,.

2.　　　n 27 Janua"4 2013‖ t$e A&&'(#ant ente"ed t$e se"2(#e of UN-PA‖ (n t$e Af"(#a team of t$e P"o#u"ement 1e"2(#es 8"an#$).P18/,‖ on a one*4ea" tem&o"a"4 a&&o(ntment.

3.　　T$e A&&'(#ant #ontends t$at (n !a"#$ 2013‖ s$e $ad a d(s#uss(on 3(t$ one of $e" team #o''eagues‖ du"(ng 3$(#$ t$e 'atte" "a(sed $e" 2o(#e. -o''o3(ng t$at

6 (t$ t$(s ema('% ? am "e∶uest(ng t$at 4ou ma9e e2e"4 effo"t to add"ess t$(s matte" as t$(s (m&a#ts negat(2e'4 t$e eff(#(en#4 and t$e mo"a' of t$e g"ou&.

T$an9s fo" 4ou" unde"stand(ng and fo" 3o"9(ng on a 0e$a2(ou" #$ange.

9.   T$e A&&'(#ant "e&'(ed on 23 June 2013 t$at s$e 3ou'd #om&'4 3(t$ t$e "e∶uest. 1$e (nd(#ated $o3e2e" t$at some ot$e" team mem0e"s s$ou'd a'so 0e ad2(sed to demonst"ate a d(ffe"ent att(tude to 3a"ds $e".

10.   n 9 Ju'4 2013% t$e C$(ef% P18% "e#e(2ed an e*ma(' f"om t$e 1< "e∶uest(ng t$e ea"'4 te"m(nat(on of t$e A&&'(#ant;s #ont"a#t (n 2(e3 of $e" demonst"ated (na0('(t4 to 3o"9 (n a team 3(t$out #"eat(ng 0(g d(s"u&t(ons to t$e 3o"9 atmos&$e"e. T$e 1< des#"(0ed t$e s(tuat(on as 0e(ng se2e"e s(n#e #o''eagues a"ound t$e A&&'(#ant 3e"e fea"(ng $a2(ng (nte"a#t(ons 3(t$ $e".   n t$e same da4% t$e C$(ef% P18% #onta#ted t$e UN‑PA D(2(s(on of Cuman <esou"#es).DC</, to so'(#(t ad2(#e as to $o3 to &"o#eed to te"m(nate t$e A&&'(#ant;s #ont"a#t.

11.   Du"(ng t$e mont$ of Ju'4 2013% t$e A&&'(#ant sent 2a"(ous ema('s to staff mem0e"s of t$e Af"(#a team and to $e" 1< % a''eg(ng t$at s$e 3as not 0e(ng t"eated 3e'' 04 ot$e"s% a s(tuat(on 3$(#$ s$e stated $ad sta"ted to affe#t $e" &$4s(#a''4 and $ad a'so an (m&a#t on $e" eff(#(en#4 at 3o"9.

12.   n 11 Ju'4 2013% t$e UN‑PA Adm(n(st"at(on #onta#ted t$e D("e#to"% Un(ted Nat(ons).UN/, !ed(#a' 1e"2(#es D(2(s(on (n Ne3 Eo"9% to s#$edu'e a meet(ng to d(s#uss t$e A&&'(#ant;s #ase% 3$(#$ 3as #on2ened on 12 Ju'4 2013. 84 e*ma(' of 1+ Ju'4 2013% t$e D("e#to"% UN !ed(#a' 1e"2(#es D(2(s(on &"o2(ded a 0"(ef summa"4 of t$e meet(ng% 3(t$ suggest(ons fo" a st"ateg4 to dea' 3(t$ t$e s(tuat(on. Among ot$e"s% (t 3as suggested to (n2(te t$e A&&'(#ant to see9 .su&&o"t and &"o&e" med(#a' "efe""a'/.

13.   On 10 July 2013, a meeting was held between the Applicant, the Deputy Chief P18, and the SO. According to the minutes of the meeting, the reason for it was "a concern from management's side that [the Applicant] was feeling stressed and management thus wanted to ask for [her] perspective and suggest that [she] work from home for a period of 2-3 weeks". The Applicant was encouraged, among others, to "seek outside perspectives on her situation with for example family members, friends, a sports coach or a doctor".

14.   On 17 July 2013, a second meeting took place between the Applicant, the Deputy Chief P18, and the SO. During which – according to the minutes of that meeting – the Applicant agreed to work from home for a week. It was also agreed that upon her return to the office, she would move to another office and her future work duties would be further discussed.

15.   On 5 August 2013, the Applicant wrote an email to the CO Assistant for UN-PA in Copenhagen copying the Chief and Deputy Chief P18 as well as her RO and SO, filing a complaint about the "unethical behaviour" of the Africa team towards her and in particular of one specific team member, a behaviour which had allegedly started already at the beginning of her employment with UN-PA.

16.   On 6 August 2013, the RO contacted the Deputy Chief P18 indicating that the conduct of the Applicant could damage the reputation of P18. The Deputy Chief P18 immediately contacted DCO by an email stating the following:

> Although we have had countless of meetings, have reduced the aforementioned staff member's workload with 90%, have spoken nice to her as well as given her clear managerial instructions she is completely refusing to cooperate. She is not reacting to the instructions I, as OiC for P18 [am] giving her, nor is she reacting to [her RO] or any other staff members who are all really trying to help her.

> She has been and still is refusing to seek medical help from the UN doctor or any other doctor.

6 e $a2e a'so $ad $e" 3o"9(ng f"om $ome Afo"B t3o 3ee9s〟 3$(#$ s$e (s no 'onge" 3('(ng to do. A'' (n a'' t$e s(tuat(on (s gett(ng 3o"se and 3o"se and (s no3 $(g$'4 demo"a'(s(ng not on'4 fo" Af"(#a team staff〟 0ut a'so fo" t$e "est of P18 staff.

1D.   n D August 2013〟 t$e De&ut4 C$(ef〟 P18〟 sent an e*ma(' to t$e A&&'(#ant〟 #o&(ed to $e" -< 〟 1< 〟 t$e C$(ef〟 P18〟 and t$e UN-PA Cuman <esou"#es Ass(stant〟 #onta(n(ng . ! anage"a' ?nst"u#t(ons/ and "e∶uest(ng t$e A&&'(#ant to .not〟 unde" an4 #("#umstan#es〟 #onta#t Af"(#a team A$e"se'fB/〟 0ut to send .an4 ∶uest(ons〟 #omments o" an4t$(ng)"ega"d'ess of t$e #ontent of A$e"B e*ma(', to Af"(#a team/ to $(m〟 #o&4(ng $e" -< and 1< . Ce fu"t$e" (nd(#ated t$at at t$e meet(ng &'anned on t$e same da4〟 t$e A&&'(#ant;s 3o"9'oad and tas9s 3ou'd 0e d(s#ussed〟 (n o"de" to .mo2e to3a"ds a &os(t(2e〟 3o"9a0'e and &"odu#t(2e so'ut(on A1AP/.

17.   -o''o3(ng t$e meet(ng t$at 3as $e'd on t$e same da4〟 t$at (s〟 on D August 2013〟 t$e A&&'(#ant 3"ote to t$e De&ut4 C$(ef〟 P18〟 and ment(oned t$e 0e$a2(ou" of anot$e" staff mem0e" of t$e Af"(#a team t$at s$e deemed 3as (nte"fe"(ng 3(t$ $e" 3o"9. ?n t$e same ema('〟 s$e (nd(#ated〟 $o3e2e"〟 t$at s$e 3ou'd .t"4 to #a'm do3n/ and not to 3"(te an4 fu"t$e" 'ong ema('s.

19.

+.3)(((,� (n 2(e 3 of t$e fa#t t$at ."e#ent'4﹐ A$e"B 0e$a2(o" $a∧dB aga(n 0e#ome u&sett(ng and d(s"u&t(2e/. T$e A&&'(#ant 3as en#ou"aged to #onta#t t$e UN ! ed(#a' 1e"2(#e﹐ and "em(nded t$at t$e ﹐﹐gan(Hat(on .st∧oodB "ead4 to 3o"9 3(t$ t$e ! ed(#a' 1e"2(#e to f(nd a so'ut(on to t$(s ongo(ng (ssue/. -o''o3(ng t$e meet(ng﹐ $e" a##ess to $e" UN-PA e*ma(' a##ount 3as "est"(#ted to a ."ead*on'4/ a##ess.

23.   84 e*ma(' of 30 1e&tem0e" 2013 add"essed to t$e C$(ef﹐ P18﹐ t$e A&&'(#ant "e:uested #'a"(f(#at(on fo" t$e te"ms .d(s"u&t(2e 0e$a2(ou"/ and .unde"m(n(ng &e"fo"man#e of ot$e" staff mem0e"s/ ment(oned (n t$e 'ette" &'a#(ng $e" on 15 6 -P﹐ as 3e'' as fo" t$e "easons of t$e (n2o'2ement of t$e UN ! ed(#a' 1e"2(#es D(2(s(on. 1$e a'so stated t$at s$e d(d .a##e&t t$e ∧15 6 -PB and a##e&t to see t$e med(#a' su&&o"t fo" t$e "eason t$at t$e st"ess 3as #aused 04 t$e 3o"9 en2("onment t$at ∧s$eB 3as &ut on/. ?n a su0se:uent e*ma(' of 6 ﹐﹐#to0e" 2013﹐ t$e A&&'(#ant #ontested t$e a''egat(on of $e" 0e$a2(ou" 0e(ng .d(s"u&t(2e/﹐ and as9ed fo" #'a"(f(#at(ons as to 3$4 t$e"e $ad 0een no fo''o3*u& to $e" #om&'a(nts.

24.   84 'ette" dated 13 No2em0e" 2013﹐ t$e A&&'(#ant "e:uested management e2a'uat(on of $e" &'a#ement on 15 6 -P. ?n t$e same "e:uest﹐ unde" ."emed(es soug$t/﹐ s$e ment(oned t$at due to $e" e@$aust(on and t$e st"ess s$e $ad suffe"ed﹐ s$e 3as not #ontest(ng t$e &'a#ement on 15 6 -P as su#$﹐ 0ut t$e g"ounds on 3$(#$ t$e de#(s(on 3as ta9en﹐ name'4 t$at s$e 3anted to 0e #'ea"ed f"om a'' a##usat(ons #onta(ned (n t$e 'ette" &'a#(ng $e" on 15 6 -P.

2+.   84 memo"andum dated 11 De#em0e" 2013﹐ sent to t$e A&&'(#ant on 20 De#em0e" 2013﹐ t$e I@e#ut(2e D("e#to"﹐ UN-PA﹐ u&$e'd t$e #ontested de#(s(on.

26.   ﹐n 26 Janua"4 2014﹐ t$e A&&'(#ant 3as se&a"ated f"om t$e ﹐﹐gan(Hat(on u&on t$e e@&("at(on of $e" tem&o"a"4 a&&o(ntment.

2D.   ﹐n 16 ! a"#$ 2014﹐ t$e A&&'(#ant f('ed 3(t$ t$e D(s&ute T"(0una' $e" a&&'(#at(on #ontest(ng $e" &'a#ement on 15 6 -P.

27.   ﹐n 1D A&"(' 2014﹐ t$e <es&ondent f('ed $(s "e&'4 to t$e a&&'(#at(on.

d.

#ase. ?n (ts fu"t$e" #ons(de"at(ons∥ t$e T"(0una' 3('' t$e"efo"e "efe" to staff "u'e +.3)f, of 1T/1G8/2013/3∥ 3$(#$ "eads=

> ?n e@#e&t(ona' #ases∥ t$e 1e#"eta"4*Gene"a' ma4∥ at $(s o" $e" (n(t(at(2e∥ &'a#e a staff mem0e" on s&e#(a' 'ea2e 3(t$ fu'' &a4 (f $e o" s$e #ons(de"s su#$ 'ea2e to 0e (n t$e (nte"est of t$e "gan(Hat(on.

36. <ega"d(ng t$e Un(ted Nat(ons 1e#"eta"(at∥ 0ased on adm(n(st"at(2e (nst"u#t(on 1T/A?/234/<e2.1 on t$e Adm(n(st"at(on of t$e 1taff <egu'at(ons and 1taff <u'es and (ts Anne@ ??∥ t$e aut$o"(t4 to &'a#e a staff mem0e" on 156-P .ot$e" t$an fo" Ju"4 se"2(#e∕ 3as de'egated to t$e Ass(stant 1e#"eta"4*Gene"a' fo" Cuman <esou"#es ! anagement).A1G∕ C< ! /∥ "efe""(ng to fo"me" staff "u'e 10+.2)a, 3$(#$ "ead∥ unde" (ts '(t.)a,=

> 1&e#(a' 'ea2e ma4 0e g"anted at t$e "e∶uest of a staff mem0e" fo" ad2an#ed stud4 o" "esea"#$ (n t$e (nte"est of t$e Un(ted Nat(ons∥ (n #ases of e@tended (''ness∥ fo" #$('d #a"e o" fo" ot$e" (m&o"tant "easons fo" su#$ &e"(od as t$e 1e#"eta"4*Gene"a' ma4 &"es#"(0e. ?n e@#e&t(ona' #ases∥ t$e 1e#"eta"4*Gene"a' ma4∥ at $(s o" $e" o3n (n(t(at(2e∥ &'a#e a staff mem0e" on s&e#(a' 'ea2e 3(t$ fu'' &a4 (f $e #ons(de"s su#$ 'ea2e to 0e (n t$e (nte"est of t$e "gan(Hat(on.

3D. 6(t$ "es&e#t to UN-PA∥ t$e T"(0una' notes t$at 04 (ts de#(s(on D1C.+7/+++∥ ado&ted on 23 De#em0e" 2003)see A/+7/PV.D9 and A/+7/+77,∥ t$e Gene"a' Assem0'4 de#(ded t$at .fo"ma' aut$o"(t4 (n matte"s of &e"sonne' of t$e ᴀUN-PAʙ s$a'' 0e de'egated 04 t$e 1e#"eta"4*Gene"a' to t$e I@e#ut(2e D("e#to" of t$e ᴀUN-PAʙ∕. 6(t$ t$(s (n m(nd∥ t$e T"(0una' #ons(de"ed 3ete" t$e de'egat(on of aut$o"(t4 as &e" 1T/A?/234/<e2.1∥ Anne@ ??∥ f"om t$e 1e#"eta"4*Gene"a' to t$e A1G∕ C< ! $as an4 (m&a#t on t$e aut$o"(t4 of t$e I@e#ut(2e D("e#to"∥ UN-PA∥ to &'a#e a staff mem0e" on 156-P 3(t$(n UN-PA.

37. Pu"suant to se#. 2.3 of t$e 1e#"eta"4*Gene"a';s 0u''et(n on P"o#edu"es fo" t$e &"omu'gat(on of adm(n(st"at(2e (ssuan#es)1T/1G8/2009/4,∥ adm(n(st"at(2e (ssuan#es F '(9e 1T/A?/234/<e2.1 F s$a'' not a&&'4 to t$e se&a"ate'4 adm(n(ste"ed funds∥ o"gans and &"og"ammes of t$e Un(ted Nat(ons∥ un'ess stated ot$e"3(se t$e"e(n∥ o" un'ess t$e se&a"ate'4 adm(n(ste"ed funds∥ o"gans and &"og"ammes $a2e e@&"ess'4 a##e&ted t$e(" a&&'(#a0('(t4. 1(n#e UN-PA∥ a se&a"ate'4 adm(n(ste"ed

)(,   - "om a 0"ea#$ of t$e em&'o4ee;s su0stant(2e ent(t'ements
a"(s(ng f"om $(s o" $e" #ont"a#t of em&'o4ment and/o" f"om a
0"ea#$ of t$e &"o#edu"a' due &"o#ess ent(t'ements t$e"e(n

and 'ate" :uoted aga(n (n Williams "de" No. 146)UNAT/2013,‰ .AtB$e names of
'(t(gants a"e "out(ne'4 (n#'uded (n Judgments of t$e (nte"na' Just(#e s4stem of t$e
Un(ted Nat(ons (n t$e (nte"ests of t"ans&a"en#4 and‰ (ndeed‰ a##ounta0'(t4⁄)see
a'so Ahmed "de" No. 132)UNAT/2013,,.

+0. ?n 2(e3 of t$e fo"ego(ng‰ t$e T"(0una' D I C ? D I 1=

a.   T$e de#(s(on to &'a#e t$e A&&'(#ant on 1 5 6 - P‰ dated
23 1e&tem0e" 2013‰ (s "es#(nded⟩

0.   T$e A&&'(#ant (s to 0e #om&ensated (n t$e tota' sum of U1D1‰000 fo"
mo"a' damage due to t$e 0"ea#$ of $e" "(g$ts⟩

#.   T$(s amount s$a'' 0e &a(d 3(t$(n 60 da4s f"om t$e date t$(s Judgment
0e#omes e@e#uta0'e‰ du"(ng 3$(#$ &e"(od t$e U1 P"(me ⟨ate a&&'(#a0'e as
at t$at date s$a'' a&&'4. ?f t$e sum (s not &a(d 3(t$(n t$e 60*da4 &e"(od‰ an
add(t(ona' +G s$a'' 0e added to t$e U1 P"(me ⟨ate unt(' t$e date of
&a4ment⟩

d.   T$e ⟨es&ondent s$a'' &'a#e t$(s Judgment‰ on#e e@e#uta0'e‰ (n t$e
A&&'(#ant;s off(#(a' f('e at UN - PA⟩ and

e.   A'' fu"t$e" &'eas a"e "eJe#ted.

)Signed,

Judge T$omas 5a9e"

Dated t$(s 9^{t}} da4 of De#em0e" 2014

I nte"ed (n t$e ⟨eg(ste" on t$(s 9^{t}} da4 of De#em0e" 2014

)Signed,

⟨enK ! . Va"gas ! .‰ ⟨eg(st"a"‰ Gene2a