

UNDT/2011/022, Edwards

UNAT Held or UNDT Pronouncements

The Tribunal considers that the Administration did not err in finding that her claims had been adequately addressed and that she had not suffered harassment. However, it failed in its duty to ensure a work environment that protects the physical and psychological integrity of staff. It awards the Applicant two months' net base salary for moral damage plus half a month for excessive delay in the appeal process. Duty to take prompt action to deal with harassment claims: At the material time, the Administration was bound by a duty to take prompt action and address harassment claims. In the instant case, the Administration did not act in breach of such obligation. Duty to ensure a work environment that protects the physical and psychological integrity of staff: At the material time, there existed a general principle of law according to which the Administration is bound to ensure a work environment that protects the physical and psychological integrity of its staff. In the instant case, in recognizing that the Applicant's health condition was attributable to the performance of her official duties on behalf of the Organization, the Secretary-General necessarily admitted that, due to her work environment, she had suffered damage for which the Respondent ought to be held liable. Damages: In accepting that the Applicant's health condition was attributable to the performance of her official duties on behalf of the Organization and consequently deciding to reimburse her medical expenses and to grant her a sick leave credit, the Respondent fully compensated her material injury. The Tribunal orders that the moral injury she suffered be also compensated. Excessive delay in the appeal process: The Tribunal finds that a global delay of four years between the request for review and the delivery of the UNDT judgment violated the Applicant's right to effective remedy, which warrants compensation.

Decision Contested or Judgment/Order Appealed

From 2005 onwards, the Applicant claimed that she was subject of harassment on the part of her direct supervisor, as a result of which she fell sick, and she took

several steps in order to have her harassment claim addressed. Her sickness was eventually recognized by the Advisory Board on Compensation Claims as being attributable to the performance of her official duties on behalf of the Organization. The Applicant now challenges the Secretary-General's decision not to compensate her for the harassment she claims to have suffered and the Administration's failure to ensure a safe and healthy work environment.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Edwards

Entity

UNOV

Case Number(s)

UNDT/GVA/2010/039

Tribunal

UNDT

Registry

Geneva

Date of Judgement

25 Jan 2011

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Compensation

Non-pecuniary (moral) damages

Pecuniary (material) damages

Disciplinary matters / misconduct

Applicable Law

Administrative Instructions

- ST/AI/308/Rev.1

Former Staff Regulations

- Regulation 1.2(a)
- Regulation 1.2(c)

Former Staff Rules

- Rule 101.2(d)

Information Circulars

- [ST/IC/2003/17](#)

Secretary-General's bulletins

- [ST/SGB/2002/13](#)
- [ST/SGB/2005/20](#)
- [ST/SGB/2008/5](#)

Related Judgments and Orders

[2010-UNAT-021](#)