

UNDT/2013/127, Gehr

UNAT Held or UNDT Pronouncements

Jurisdiction over decisions of the Ethics Office: The work of the Ethics Office is delicate in nature and its functions have a direct impact on staff member's rights. Therefore, in view of the case law of UNAT, the decision of the Ethics Office is an administrative decision and the Tribunal has jurisdiction to review such a decision.

Duration for conducting a preliminary assessment by the Ethics Office: The nature of the work of the Ethics Office requires timely reaction for effective protection of any 'whistle-blowing' activity. Although the duration of 45 days mentioned in section 5.3 of ST/SGB/2005/21 does not appear to be a mandatory fixed time limit, it clearly acts as a guiding principle for the duration within which one can expect a decision from the Ethics Office. Hence taking six months to reach a decision is undue delay warranting compensation.

Decision Contested or Judgment/Order Appealed

The Applicant is a former staff member of UNODC. He contested the decision of the Ethics Office which found that he had not engaged in protected activity and therefore there was no prima facie case of retaliation to warrant protection from the Ethics Office. The Applicant also challenged the duration taken by the Ethics Office in reaching its decision.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Only financial compensation

Full judgment

[Full judgment](#)

Applicants/Appellants

Gehr

Entity

UNOV

Case Number(s)

UNDT/GVA/2011/90

Tribunal

UNDT

Registry

Geneva

Date of Judgement

17 Oct 2013

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Ethics office

Retaliation

Applicable Law

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2008/5

UNDT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2011/063

2011-UNAT-119

2011-UNAT-143

2011-UNAT-148

2010-UNAT-099

2013-UNAT-349