

UNDT/2015/039, Nielsen

UNAT Held or UNDT Pronouncements

The UNDT found that her first complaint was filed almost nine months after her separation, whereas UNFPA Policy on Harassment, Sexual Harassment and Abuse of Authority requires that such complaints be filed within 6 months from the date of the last incident. Additionally, the Tribunal found that as per said Policy, the Applicant had no legal standing to file formal complaints at the time she did so in view that she had been previously separated from service. As a result, the application was rejected.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the lack of action by the Office of Audit and Investigation Services (“OAIS”) at UNFPA on her complaints of improper behavior, harassment and abuse of authority.

Legal Principle(s)

Legal standing: Pursuant to sec. 9.3.1. of the 2013 UNFPA policy on Harassment, Sexual Harassment and Abuse of Authority, a formal complaint can only be filed by UNFPA staff members or individual independent contractors, and has to be submitted within six months from the date of the last incident. Therefore, OAIS inaction on a complaint filed nearly nine months after the complainant’s separation from UNFPA does not result in any breach of his or her rights.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Nielsen

Entity

UNFPA

Case Number(s)

UNDT/GVA/2015/122

Tribunal

UNDT

Registry

Geneva

Date of Judgement

19 May 2015

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Harassment (non-sexual)

Applicable Law

Laws of other entities (rules, regulations etc.)

Related Judgments and Orders

2012-UNAT-238

2010-UNAT-030

2014-UNAT-406

2013-UNAT-335

2013-UNAT-313