

UNDT/2015/109, Dube

UNAT Held or UNDT Pronouncements

The Tribunal found that the Approving Authority in this case acted contrary to UNICEF's staff selection legislation and policy. The undue influence exerted by the Approving Authority on the Selection Panel which led to a reversal of its earlier decision concerning the Applicant's suitability is evidence in the stark contrast of the Selection Panel's position when it stood its ground early in the selection process following a query by the Local Central Review Body as to why it found the Applicant suitable. The Approving Authority in this case by directly approaching the Selection Panel to procure a reversal of the recommendation of the Applicant as a suitable candidate had monopolised, sullied and tainted the entire selection process through undue influence contrary to the principles of independence and fairness and the legal intent of relevant UNICEF legislation. Staff selection process - As held in Verschuur 2011-UNAT-149, it is not for the head of department who makes the final selection decision to intervene in the selection process conducted by the programme manager, the Central Review Body and the selection leading up to the recruitment.

Decision Contested or Judgment/Order Appealed

The Applicant is a former Programme Assistant at UNICEF, Pretoria. In her Application dated 18 July 2013, she is contesting a 6 March 2013 decision which she claims unlawfully excluded her from a recruitment exercise.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Dube

Entity

UNICEF

Case Number(s)

UNDT/NBI/2013/41

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

11 Nov 2015

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

UNICEF Executive Directives

- CF/EXD/2009-008

Related Judgments and Orders
2011-UNAT-149