

# UNDT/2021/131, Drissi

## UNAT Held or UNDT Pronouncements

The Tribunal was satisfied that the Applicant's complaint was reviewed in accordance with the applicable legal framework. The Applicant did not present a prima facie case of harassment as the claims were unsubstantiated and she did not provide adequate proof to support them. The facts did not amount to misconduct or prohibited conduct. The conduct the Applicant alleged even if true, was not harassment within the meaning of ST/SGB/2008/5. Consequently, the Administration had a legitimate basis not to proceed with an investigation into these matters. The Applicant did not proffer any evidence to support her allegation that her supervisor pursued the creation of a new post in order to make her role redundant or that an investigation into this allegation would lead to a disciplinary case. To the extent that the Applicant sought an investigation into alleged irregularities, the Tribunal recalled that "even if it had been in the [a]pplicant's interests to take action on this issue, the decision to conduct such an investigation is the privilege of the Organization itself".

## Decision Contested or Judgment/Order Appealed

The Applicant contested "the outcome of the preliminary assessment stating that the facts obtained regarding the complaint did not amount to misconduct or prohibited conduct, and the subsequent management evaluation decision".

## Legal Principle(s)

ST/SGB/2008/5 was promulgated by the Secretary-General to ensure that all staff members of the Secretariat are treated with dignity and respect and are aware of their role and responsibilities in maintaining a workplace free of any form of discrimination, harassment, including sexual harassment and abuse of authority ("prohibited conduct"). Mere disagreements on work performance or on other work related issues is normally not considered harassment. The Administration is not obliged to contact witnesses during preliminary assessments especially when the staff member does not substantiate the allegations in the complaint. The UNEP Executive Director has the discretion to conduct the preliminary assessment as he/she deems necessary, taking into consideration section 5.5 of ST/AI/2017/1.

## Outcome

Dismissed on merits

Outcome Extra Text

## Full judgment

[Full judgment](#)

Applicants/Appellants

Drissi

Entity

UNEP

Case Number(s)

UNDT/NBI/2021/9

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Nov 2021

Duty Judge

Judge Hunter Jr.

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Investigation

Fact-finding investigation

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB/2008/5