

# **2015-UNAT-592, Matadi et al**

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT accepted the Secretary-General's position that UNMIL staff members were given the opportunity to comment on the proposed restructuring from the beginning of the process, and the UNMIL National Staff Association representative participated in the discussion on the Guidelines for the comparative review process. UNAT held that it would not speculate on the chances that each of the posts might not have been abolished if there had been consultations with the National Staff Association. UNAT held that the change in the composition of the Comparative Review Panel was triggered by the National Staff Association's voluntary decision not to participate in any further meetings or consultations of the ad hoc bodies. UNAT held that the lack of consultation could not be attributed to the Administration or form a basis for awarding compensation. UNAT granted the appeal and vacated the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicants contested the decision to abolish their posts. UNDT found that the Administration had failed to consult properly with staff or staff representative bodies. UNDT ordered rescission of the decisions not to renew the Applicants' appointments, alternative payment in lieu, and moral damages.

## Legal Principle(s)

An international organisation necessarily has the power to restructure some or all of its departments or units, including the abolition of posts, the creation of new posts, and the redeployment of staff.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Matadi et al

## Entity

UNMIL

## Case Number(s)

2015-690

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

30 Oct 2015

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Abolition of post  
Termination

Termination (of appointment)

Abolition of position

## Applicable Law

GA Resolutions

- A/RES/66/264

UNAT RoP

- Article 18.1

UNAT Statute

- Article 8.3

## Related Judgments and Orders

UNDT/2014/132

2014-UNAT-450

2013-UNAT-281

2014-UNAT-433/Corr.1

2010-UNAT-084

2012-UNAT-216