

2021-UNAT-1163, Beatriz Fernandez Carrillo

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant did not meet the burden of showing that the UNDT Judgment was defective on the grounds outlined in Article 2(1) of the UNAT Statute. UNAT held that UNDT fully and fairly considered the Appellant's allegations and there was no error of law or fact in the UNDT Judgment. UNAT held that there was no evidence that the Appellant's gender or status of being on maternity leave factored into the decision not to renew her contract. UNAT held that the reasons proffered by the Administration for not renewing the Appellant's fixed-term appointment, namely the lack of funding and the resulting restructuring, were valid reasons. UNAT held that the Appellant failed to establish that the contested decision discriminated against her or was tainted by improper motives, unfairness or lack of transparency. UNAT held that the UNDT does not have to provide reasons for dismissing every submission, especially if the argument is not accepted or irrelevant. UNAT dismissed the appeal and upheld the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her fixed-term appointment. UNDT found the contested decision to be lawful and dismissed her application.

Legal Principle(s)

Fixed-term appointments carry no expectation of renewal or conversion. Separation as a result of expiration of the appointment takes place automatically and without prior notice on the expiration date specified in the letter of appointment. The administrative decision not to renew a fixed-term appointment can be reviewed if the Administration has not acted fairly, justly, or transparently with the staff

member or was motivated by bias, prejudice or improper motive. 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. UNAT will not interfere with a genuine organisation restructuring even though it may have resulted in the loss of employment of staff. International conventions are an important source of internationally accepted standards of employment. In practice, international conventions do not provide substantive rights for, or impose obligations on, employers and employees; rather, they guide lawmakers as to the content of legislation and assist courts and tribunals in the interpretation of it. International conventions and other human rights and labour law instruments do not directly apply as a source of law or remedial power to tribunals, they provide minimum standards of employment and general principles of law that are or should be embodied in the Organisation's rules, regulations and policies.

Outcome

Appeal dismissed on merits

Outcome Extra Text

N/A

Full judgment

[Full judgment](#)

Applicants/Appellants

Beatriz Fernandez Carrillo

Entity

UNDP

Case Number(s)

2020-1500

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2021

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Termination

Non-renewal

Reason(s)

Separation from service

Expiration of appointment (see also, Non-renewal)

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Abolition of position

Applicable Law

Staff Regulations

- Regulation 4.3

Staff Rules

- Rule 1.2

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2020/187

2010-UNAT-051

2019-UNAT-916

2019-UNAT-960

2013-UNAT-311

2019-UNAT-902

2018-UNAT-825

2017-UNAT-780

2015-UNAT-500

2018-UNAT-844