

UNDT/2023/046, Gusarova

UNAT Held or UNDT Pronouncements

The United Nations, as an exemplary employer, should be held to higher standards and the Respondent is therefore expected to treat staff members with the respect they deserve, including respect for their well-being.

This duty of protection applies not only to physical disease, but also to psychological disease.

This implies a duty to intervene promptly to protect the staff member, at risk for his/her health.

it took 22 months for the Administration to assess if the Applicant's pathology was related to the work environment and therefore the Tribunal was of the view that the ABCC unduly delayed the consideration of the Applicant's claim for compensation, notwithstanding that the delay could aggravate the moral harm suffered by the Applicant.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the Administration's decision to deny her claim for compensation for service-incurred illness.

Legal Principle(s)

The employer's duty of care requires it to intervene promptly and to assess if a claim maybe accepted or not within Appendix D, notably when this delay may impact on the health of the staff member, aggravating his/her psychological harm that could be relevant under Appendix D.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Gusarova

Entity

UNICEF

Case Number(s)

UNDT/NBI/2022/070

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Jun 2023

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Applicable Law

Former Staff Rules

Secretary-General's bulletins

- ST/SGB/2018/1
- ST/SGB/Staff Rules/Appendix D

Related Judgments and Orders

UNDT/2022/008

2013-UNAT-300

UNDT/2011/022

2023-UNAT-1329

UNDT/2021/043

2010-UNAT-021

UNDT/2012/018