





THE UNITED NATIONS APPEALS TRIBUNAL



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Judgment No. 2011-UNAT-119

26. Protection against retaliation is provided in the detailed guidelines contained in ST/SGB/2005/21. Under ST/SGB/2005/21, retaliation means “any direct or indirect detrimental action recommended, threatened, or taken because an individual engaged in an activity protected by the present policy”. To be entitled to protection, the staff member has to comply with the duty to report any breach of the Organization’s regulation and rules in good faith, or the duty to cooperate in good faith with duly authorized audits or investigations. The Administration bears the burden of proving by clear and convincing evidence that it would have taken the same action absent the protected activity.

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person who suffered retaliation has to be protected and how the person who engaged in retaliation is to be dealt with. The guidelines are detailed and comprehensive but make no specific mention of whistle-blowers.

30. The term whistle-blower has not been defined, but in common parlance means someone who reports an act of wrongdoing on the part of a colleague in his department, to the higher authorities. The Appellant is claiming to be a whistle-blower, but what he really means is that he is victim of retaliation because he is a whistle-blo5(pev d)616 9116 911





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