
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/052

Judgment No.: UNDT/2020/161

Date: 1 September 2020

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

BATRA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former Editorial and Desktop Publishing Assistant with the Department for the General Assembly and Conference Management (DGACM), contests the decision not to renew her temporary appointment as well as the decision to place her latest performance appraisal in her personnel file.

2. For the reasons stated below, the Tribunal finds that the performance appraisal was conducted in accordance with the applicable norms and that the decision not to extend her temporary appointment was lawful. The Tribunal therefore rejects the application.

Facts and procedural history

3. [redacted] elapsed on 13 December 2018, 364 days after the initial appointment. As DGACM did not opt to extend the appointment further, the Applicant was separated from the Organization.

4. [redacted] 2018 pursuant to ST/AI/2010/4/Rev.1 (Administration of temporary appointments) covering the period from 16 April to 13 December 2018 with the overall rating of [redacted] performance. The performance appraisal document was [redacted] official file.

5. On 22 January 2019, the Applicant requested management evaluation of the decision not to extend her temporary appointment and the decision to place her performance appraisal document, which she claimed was completed in violation of the applicable legal framework, in her official file.

6. On 18 April 2019, the Management Evaluation Unit notified the Applicant that the Under-Secretary-General for Management, Strategy, Policy and Compliance upheld the contested administrative decisions.

7. On 13 May 2019, the Applicant submitted a complaint under ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment and abuse of authority) to the Under-Secretary-
2019, the USG/DGACM informed the Applicant that she had convened a fact-finding panel to investigate her complaint.

Consideration

The parties' submissions

8. The Applicant states, in essence, that the contested decisions were made in retaliation for her having [redacted] about expressing misconduct [that she] witnessed [redacted]. She further states that she was bullied by the Director of [redacted] by the focal point for women and deterred from seeking equal opportunities and justice. In her application, she clarifies that she filed a complaint pursuant to ST/SGB/2018/5 reporting that one man made racist and sexist remarks during a diversity training and that another one, who was subsequently promoted, allowed interns to [redacted].

9. The Applicant further claims that she was only given 15 [redacted] of the non-renewal of her contract which, in her view, is not sufficient.

10. The Applicant goes [redacted]

11. The Respondent [redacted] had reached the maximum 364 days and that there were no exceptional circumstances under sec. 14 of ST/AI/2010/4/Rev.1 that would have justified extending her temporary appointment further.

12. Moreover, the Respondent argues that in the absence of satisfactory performance, it was lawful for DGACM not to renew her appointment.

the Management Evaluation Unit. She has therefore not been able to show any link between her complaint and the decision not to renew her contract, given that said decision occurred months before the filing of the complaint.

31. There is also no evidence whatsoever that the contested decisions were in any way influenced by the Applicant having voiced concerns of alleged misconduct in her unit or division prior to the contested decisions.

32. The Tribunal is therefore satisfied that the contested decisions were procedurally correct and based on facts. The Tribunal is not satisfied that the contested decisions were tainted by ulterior motives.

Conclusion

33. In light of the above, the application is rejected.

(Signed)

Judge Joelle Adda

Dated this 1st day of September 2020

Entered in the Register on this 1st day of September 2020

(Signed)

Nerea Suero Fontecha, Registrar