
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/071
Order No.: 235 (NY/2018)
Date: 29 November 2018
Original: English

posts, “Batch recruitment strategic planning specialist P4, NYHQ”, with a posting period from 8 to 20 November 2018. Counsel for the Applicant clarified and confirmed that, concerning the second contested decision, when contesting the decision to create and advertise two new and almost identical posts at the same level as her current post, the Applicant implicitly also challenged the entire recruitment process for these newly advertised post(s), which had started with the posts being created and advertised. Counsel for the Applicant also confirmed that the Applicant had applied for the relevant posts. At the Tribunal’s inquiry, Counsel for the Respondent reaffirmed and clarified the Respondent’s position(s) that UNICEF would assess all the aspects of the Applicant’s management evaluation request and that the Respondent committed not to take any direct or indirect adverse decisions regarding the Applicant’s contractual status during the management evaluation process. Counsel for the Respondent also indicated that he was informed that the posting period for the new positions had been extended for two additional weeks. The Tribunal expressed its trust that, in order to prevent future litigation, all the legal aspects related to the reclassification of the Applicant’s post, the abolition of her post,

- b. the deadline for submitting applications for the New Post has been extended for an additional two weeks; and
- c. the Respondent will not make any major decision or take any legal steps in the recruitment process that would adversely affect the Applicant.

[2] In light of these assurances from the Respondent, the Applicant hereby seeks to withdraw her Application for a suspension of action pending management evaluation in Court File Number UNDT/NY/2018/071.

Background

8. Solely for the purpose of providing context to the present Order and without making any determination on the facts of the case, the factual background as set out in the application is presented here:

... [The Applicant] is currently serving as an Editor/Communication Specialist at the P-4 level at the United Nations Children's Fund (UNICEF). The Applicant retains a fixed-term appointment.

... On or about 10 October 2018, [the Applicant] attended a meeting and was informed by the Director, Secretary of the Executive Board, [Ms. HKJ, name redacted] that two Editor posts, including her own, would be reclassified. During that meeting, [Ms. HKJ] also told [the Applicant] that the new post would be advertised.

... [Ms. HKJ] did not encourage [the Applicant] to apply for the position but instead stated words to the following effect,

[The Applicant] explained to [Ms. HKJ] that she did not want to take early retirement. [The Applicant] asked [Ms. HKJ] why she and the other Editor, [Ms. AA, name redacted], could not simply perform the new tasks and [Ms. HKJ] responded by stating that the position had changed significantly and that is why it needed to be advertised. [Ms. HKJ]

