
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/024
Judgment No.: UNDT/2020/108
Date: 30 June 2020
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

HANSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Ibrahima Faye

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 12 April 2019, the Applicant, a benefits assistant at the G-5 level, in the

9. Following further evaluation, the hiring manager shortlisted the job applicants who met the desirable requirements for the position. The Applicant was one of the three shortlisted job applicants.

10. On 3 May 2018, the shortlisted job applicants participated in a written assessment. The minimum passing score for the assessment was set in advance at 70/100.

11. The Applicant was not considered further as her test results did not meet the minimum passing criteria for the written assessment.

12. On 20 October 2018, the Applicant received a notification that the selection process for the position had been completed and that her application was unsuccessful.

Consideration

discrimination and bias are absent, pro

participants were allowed 90 minutes to complete the assessment. The assessment panel blind graded the tests. The identities of the three candidates whose exams were being marked were only revealed to the panel members after the grading had been completed. The minimum passing score for the assessment was set in advance at 92. Applicant did not meet the minimum passing criteria for the written assessment, she was not considered further.

25.

29. In any case, the Tribunal finds that the requirements in questions 4 and 5 are directly related to the responsibilities of the contested position, noting that the job opening states that responsibilities of "planning and auditing estimates of future benefit options and entitlements and all types of pension

34. However, the Tribunal notes that managers and supervisors are obligated to take all appropriate measures to promote a harmonious work environment, free of discrimination, harassment, including sexual harassment, and abuse of authority pursuant to ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority).

35. In the present case, it is evident that there existed an on-going hostile relationship between the Applicant, her FRO (who was also the hiring manager in the contested selection exercise) and the Chief of Client Services. The Applicant claims that the hostile relationship dynamics have had a significant impact on her mental, physical and psychological wellbeing. Such relationship dynamics do not assist with maintaining a harmonious work-place environment and the Tribunal considers that it is incumbent on managers to resolve escalation of disharmonious relationships through constructive dialogue and a humane management approach. In the instance case, if such a dynamic existed between the Applicant and her supervisors, the Tribunal would expect the FRO and the Chief of Client Services take steps to address the on-going relationship issues between them and the Applicant.

Other matters

36. The Applicant raises a series of matters unrelated to the contested decision, including delays in the completion of her performance appraisals and the alleged reassignment, against her will, out of her Section in Client Services to perform duties of Accounting Assistant in the Fund Account Section.

37. In respect to the delays in completion of her performance appraisals, the Tribunal notes that the Management Evaluation Unit informed Applicant that the Administration had recently completed her performance documents for the 2016/2017 and 2017/2018 cycles and that the Administration is continuing its efforts to complete

38. As such, the Tribunal is required to provide the Applicant with outstanding performance appraisals for the Applicant and avoid such delays in the future as such mismanagement does not contribute to a harmonious workplace.

39. In respect of the reassignment decision, the Tribunal notes that the decision is not receivable *ratione materiae* as the Applicant did not seek management evaluation of that decision in accordance with staff rule 11.2(a).

Conclusion

40. The application is dismissed.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 30th day of June 2020

Entered in the Register on this 30th day of June 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York