

International Administrative Tribunals Case Law Digest 2025

MODULAW



note

The purpose of this digest is to provide a brief overview of what we consider to be leading or interesting cases based on the types and volume of work we undertook in 2025.

We have included judgments from each of the Administrative Tribunal of the International Labour Organisation, the United Nations Appeal Tribunal and the Administrative Tribunals of other international organisations.

This publication would not be possible without the dedication and contribution of our consultant, Laura Papasodaro.

We hope this is a useful resource for all readers.

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Abbreviations

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| ABCC | Advisory Board on Compensation Claims |
| DHMOSH | Division of Healthcare Management and Occupational Safety and Health |
| ESCWA | UN Economic and Social Commission for Western Asia |
| EURO | WHO Regional Office for Europe |
| FTA | Fixed-term appointment |
| GBA | Global Board of Appeal |
| HR | Human Resources |
| IAEA | International Atomic Energy Agency |
| ILOAT | Administrative Tribunal of the International Labour Organisation |
| IOS | Internal Oversight Services |
| ITU | United Nations Agency for Digital Technologies |
| MAES | Management Advice and Evaluation Section |
| MER | Management Evaluation Request |
| MINUSCA | UN Multidimensional Integrated Stabilization Mission in the CAR |
| OCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| OECD | Organisation for Economic Co-operation and Development |
| OHCHR | Office of the High Commissioner for Human Rights |
| OSCE | Organization for Security and Co-operation in Europe |
| OSCE PoA | OSCE Europe Panel of Adjudicators |
| OSESGY | Office of the Special Envoy of the Secretary-General for Yemen |
| PIP | Performance Improvement Plan |
| TAOECD | Administrative Tribunal of the OECD |
| UNAT | United Nations Appeals Tribunal |
| UNDT | United Nations Dispute Tribunal |
| UNFPA | United Nations Sexual and Reproductive Health Agency |
| UNHCR | United Nations High Commissioner for Refugees |
| UNJSPF | United Nations Joint Staff Pension Fund |
| UNMISS | United Nations Mission in South Sudan |
| UNODC | United Nations Office on Drugs and Crime |
| UNRWA | United Nations Relief and Works Agency for Palestine Refugees in the Near East |
| UNRWA DT | UNRWA Dispute Tribunal |
| WHO | World Health Organisation |

1. Abolition of post

[UNDT/2025/030](#)

Legal Principle: The discontinuation of a post and the expiry of a fixed-term appointment are distinct administrative acts with different legal characteristics. In practice, where a post is abolished and *then* an appointment is not renewed, only the final administrative decision affecting the staff member's terms of appointment is reviewable, i.e. the non-renewal decision. Abolition of post, by itself, is an internal management decision concerning organisational structure and does *not* directly alter a staff member's contractual rights.

Facts: The Applicant worked as an Assistant Child Protection Officer at UNHCR Bangladesh and her FTA expired on 31 December 2023. UNHCR issued a decision to discontinue her post. The Applicant challenged the decision, alleging that the post discontinuation was arbitrary, retaliatory, and a continuation of prior harassment and abuse by supervisors. The Applicant contended that the discontinuation decision directly affected her terms of employment and thus was a reviewable administrative act.

UNHCR contended that the decision resulted from a legitimate restructuring exercise necessitated by budgetary reductions that affected 24 positions in Bangladesh, including 14 local staff. It also argued that the discontinuation of a post is not a reviewable administrative decision and that the Applicant had failed to request a management evaluation prior to her UNDT application.

UNDT held: The application was not receivable. The Tribunal held that the discontinuation of a position is not, in itself, a reviewable administrative decision under article 8.1(a) of the UNDT Statute, as it does not directly affect a staff member's contract or terms of appointment. It merely constitutes an internal act leading to the final administrative decision, namely, the non-renewal of the appointment. The Applicant had failed to contest her non-renewal decision by an MER.

The Tribunal emphasized that while the abolition of a post may form the substantive reason for a non-renewal, the non-renewal decision must be challenged separately. In this case, the Applicant only appealed against the post discontinuation, not the non-renewal of her FTA or her separation, which rendered the application irreceivable.

[UNDT/2025/017](#)

Legal Principle: The discontinuation of a post and the non-renewal of the related fixed-term appointment are interconnected and can form part of one administrative act depending on the facts of the case.

Facts: The Applicant, a Senior Resettlement Assistant at UNHCR Lebanon who was diagnosed with ADHD, was placed on a PIP in his 2022 performance cycle, as a result of which he went through a rebuttal process. At the same time, due to budget cuts, UNHCR discontinued 101 positions in Lebanon and notified the Applicant that his post would be abolished and that his FTA would not be renewed beyond 31 December 2023. The Applicant appealed UNHCR's decision on the basis that it was made in bad faith and abuse of discretion, discrimination, retaliation for requesting medical

accommodation for his ADHD, shifting and inconsistent justifications for non-renewal, and procedural flaws. Among other things, he further alleged that UNHCR mishandled his performance, improperly implemented the PIP, and targeted his position for abolition while aligning the end of his contract in a way that differed from how other staff were treated. UNHCR argued that the matters raised by the Applicant were merely preliminary steps to the abolition of his post, had no direct legal effect and were therefore not subject to review. It was only the final decision, the non-renewal of his appointment, that was subject to review and that was time-barred because the Applicant did not challenge it within the applicable deadlines.

UNDT held: The Tribunal rejected UNHCR's arguments as to receivability, noting that the test is that only final decisions with direct legal effect are reviewable. The Applicant's pleadings did not contest each preliminary act independently, but as alleged that these actions formed the chain of events which lead to the final administrative decision to discontinue his post and not renew his FTA. This was the final, reviewable decision explicitly identified in the Applicant's application and rejoinder. Further, the Tribunal rejected UNHCR's attempt to separate "post discontinuation" from "contract non-renewal," noting that the Organisation itself had linked them in its notifications and that treating them as two unrelated decisions would reduce access to justice to a "word game".

However, the Tribunal ultimately upheld the merits of UNHCR's decisions on the basis that discontinuation of the Applicant's post arose from a legitimate budgetary exercise, the Applicant had no expectation of renewal and failed to demonstrate bias or retaliation, and UNHCR had accommodated his medical needs and previously extended his contract several times. The application was dismissed.

[UNRWA/DT/2025/018](#)

Legal Principle: A decision to abolish or reclassify a post does not have direct legal effect. Only the resulting administrative action (e.g., termination, transfer, demotion) is reviewable.

The absence of proper, timely and meaningful consultation before termination renders the process procedurally unfair. The organisation must make a meaningful effort to engage with the staff member or to support efforts to find alternatives to separation.

Facts: UNRWA's Senior Poverty Advisor challenged three decisions: the Agency's abolition of his post, his subsequent termination, and the denial of compensation for an alleged service-incurred psychological illness. Between 2016 and 2021, UNRWA restructured its Relief and Social Services Programme, leading to the creation of a new Deputy Director role and the removal of the Applicant's post. The Applicant was informed of the abolition in March 2021, he was placed on provisional redundancy, went on certified sick leave, and was separated on 31 July 2021 after UNRWA considered, but did not interview him, for other positions. He claimed the restructuring was a pretext to remove him and that the process lacked transparency and fairness, and sought compensation for the illness he claimed arose as a direct result of these decisions.

UNRWA Tribunal held: The decision to abolish a post is not an administrative decision. However, the Tribunal made clear that the rationale for abolishing the post and the propriety of that initial decision remained relevant to assessing whether the later termination was lawful, reasonable and

procedurally fair. Organisations have broad discretion to reorganize their operations and departments to meet changing needs and economic realities, which includes the abolition of posts, the creation of new posts, and the redeployment of staff. However, it must be shown that the consequential termination of employment was a reasonable option in all the circumstances.

The Tribunal found that the new Deputy Director position differed materially from the Applicant's role and there was no evidence of improper motive behind the restructuring itself. However, the procedure adopted by UNRWA was unfair, primarily because the Applicant was not consulted about the abolition or its consequences, the decision was presented as a *fait accompli*, and UNRWA's efforts to identify alternative posts were inadequate, poorly documented, and lacked transparency. This made the termination unreasonable, even though the restructuring itself had a legitimate basis. The application was dismissed.

[**ILOAT Judgment No. 5024**](#)

Legal Principle: International organizations have broad discretion to reorganize and abolish posts, but when a post is abolished, the staff member must be given a genuine opportunity to actively participate in the reassignment process. The organization must follow its own mandatory restructuring procedures.

Facts: The WHO Regional Office for Europe (EURO) underwent a major reorganisation in which all P6 posts were abolished and staff were to be reassigned through a formal mapping and matching process. The Complainant was a P6 Coordinator who was informed that her post would be abolished, that she was selected for a P5 Medical Officer position in Geneva, and this reassignment was then rescinded. When the Applicant was eventually reassigned to a Regional Medical Officer position within EURO, this was done without any consultation, contrary to the mandatory HR Process. The Complainant challenged her reassignment, alleging that it was procedurally flawed and that she was denied the opportunity to properly participate in the restructuring process.

ILOAT held: Organisations have broad discretion to restructure and abolish posts, but this discretion is subject to procedural limits. WHO failed to comply with one of the points of the documented "HR Process", which required a one-on-one consultation with the Complainant before determining her reassignment. This omission breached both WHO's internal rules and the Tribunal's case law requiring staff participation in restructuring decisions. While the restructuring itself was not tainted by improper motive, the consequential reassignment decision was procedurally flawed and therefore unlawful. The Tribunal set aside the reassignment decision and awarded moral damages and costs.

2. Costs awards

[UNDT/2025/12](#)

Legal Principle: Filing and maintaining an application that is knowingly based on lies constitutes a manifest abuse of process, and warrants monetary sanctions under Article 10.6 of the UNDT Statute.

Facts: The Applicant, a UNFPA staff member in Johannesburg, received a Home Leave lump sum in January 2024 for himself, his wife and his son based on indicated travel dates. In reality, only the Applicant travelled on the approved dates as his dependents were already in Moscow. When HR recalculated the entitlement to reflect the Applicant's actual travel, it found the quotation was much lower and sought to recover the difference for the dependents' tickets. The Applicant resisted, citing medical reasons and alleged delays by HR. Following a MER process which upheld the recovery decision, the Applicant filed an application to the UNDT claiming inhumane treatment and misapplication of rules.

UNDT held: The Tribunal held that the recovery was lawful because the Applicant's wife and son did not travel within the approved timeframe and he failed to provide timely or accurate information or proof of costs. UNFPA acted consistently with its governing framework and even exercised leniency by not recovering the entire amount from the Applicant. Separately however, the Tribunal found that the Applicant had lied repeatedly to UNFPA and to the Tribunal in submitting documents, thereby abusing the judicial process. Under Article 10.6 of the UNDT Statute, the Tribunal imposed costs of USD 2,746 on the Applicant as a necessary deterrent and even though no order for costs was sought by UNFPA.

3. Discrimination

[2025-UNAT-1557](#)

Legal Principle: Not every unequal treatment constitutes unlawful discrimination. Differential treatment amounts to discrimination only when based on a prohibited ground and lacking reasonable justification or a *bona fide* rationale. A distinction that is rationally connected to a legitimate purpose, justified and fair, is not unlawful. Positive discrimination is both lawful and encouraged under international administrative law. Transitional or categorical distinctions adopted by the Administration are lawful where they pursue legitimate objectives, are consistent with General Assembly authority, and are not arbitrary or motivated by bias.

Facts: Two UN staff members challenged the Secretary-General's refusal to grant them 16 weeks of parental leave under a new parental leave policy effective 1 January 2023. Their children were born in late 2022, before the new policy came into force.

Under a transitional measure, 10 weeks of special leave with full pay were granted only to birthing parents of children born in 2022 who were still on maternity leave as of 1 January 2023. The applicants claimed this distinction was sex-based discrimination, contrary to Article 8 of the UN Charter and Staff Regulation 1.2(a).

The UNDT dismissed their applications, holding that the measure was objectively justified and served a legitimate medical and social purpose, protecting maternal health and supporting breastfeeding. It found that the Secretary-General acted within his discretionary authority and in conformity with General Assembly resolutions, and that the measure amounted to lawful positive discrimination, not prohibited differential treatment.

UNAT held: The appeal was dismissed and the UNDT judgment affirmed. UNAT agreed that the distinction, though creating unequal treatment, was not unlawfully discriminatory, as it pursued a legitimate objective consistent with UN and WHO policy guidance. The transitional measure was a valid and proportionate means to achieve that purpose and fell within the Secretary-General's authority under Staff Rule 6.3. Limiting the policy to children born or adopted on or after 1 January 2023 respected the principle of non-retroactivity. UNAT also upheld the decision denying special leave with full pay as rational, procedurally correct, and made in good faith.

4. Financial recovery following misconduct

[UNDT/2025/034](#)

Legal Principle: In order to demand financial recovery under Staff Rule 10.1(b), the organisation must establish that: (i) the staff member's conduct constituted misconduct; (ii) the misconduct was wilful, reckless, or grossly negligent; and (iii) the UN suffered a financial loss as a direct result of that conduct.

Facts: While serving as Head of OHCHR's Yemen Country Office, the Applicant initiated and oversaw the construction of a three-floor building on OHCHR's premises without the required authorisation. He conducted an unauthorised vendor selection process, engaged a contractor without a contract or purchase order, and requested disbursement of an advance payment of USD 86,000 while mischaracterizing the project as minor alterations. OHCHR found this to be misconduct and sought recovery of the USD 86,000 through the deduction of to the Applicant's entitlements upon separation. The Applicant appealed the misconduct findings made against him and the financial recovery.

UNDT held: The Tribunal held that OHCHR must establish the following in order to request financial recovery from a staff member: (i) that the staff member's conduct constituted misconduct; (ii) that the misconduct was wilful, reckless or grossly negligent; and (iii) OHCHR suffered a financial loss as a result of the misconduct. As a starting point, OHCHR's decision to impose a disciplinary measure which included financial recovery was within its discretion on the facts of the case and because the finding that the Applicant's conduct constituted misconduct and was deliberate was properly established. However, the evidence did not establish to the requisite standard that OHCHR had in fact incurred a financial loss of USD 86,000. Accordingly, measure of the financial recovery was unlawful and was set aside.

5. Fraud

[2025-UNAT-1533](#)

Legal Principle: The following three elements must exist to establish fraud: (i) unlawful making of a misrepresentation; (ii) intent to defraud or deceive; and (iii) actual or potential prejudice to another.

Facts: While holding leadership roles in both the UN Staff Union (UNSU) and the United Nations Athletic Club (UNAC), the Applicant repeatedly solicited donations for Staff Day events in her UNSU capacity but secretly directed parts of those funds to the UNAC without informing donors or the Staff Union. An OIOS investigation concluded that the Applicant misused her authority and engaged in fraudulent misrepresentation, and she was summarily dismissed. The UNDT upheld the disciplinary measure of dismissal, finding that the Administration had established by clear and convincing evidence that the Applicant engaged in fraud. She appealed to the UNAT.

UNAT held: The UNAT affirmed the UNDT Judgment in full. It held that there are three cumulative constitutive elements of fraud: (i) unlawful making of a misrepresentation; (ii) intent to deceive or defraud; and (iii) actual or potential prejudice to others. Because all three elements were satisfied on the facts of the case, the UNAT found no error in the UNDT's assessment of the investigation or the procedures followed, and held that the sanction of dismissal was proportionate to the gravity of the misconduct and the breach of trust involved. The appeal was dismissed.

[2025-UNAT-1541](#)

Legal Principle: The organisation bears a heavy burden of proof in cases of alleged fraud. Each element of fraud must be established by clear and convincing evidence showing that the commission of the fraud was highly probable.

Facts: The Applicant was a Programme Associate with UNHCR Uganda and was dismissed for medical insurance fraud, allegedly committed by submitting false invoices for her son's COVID-19 treatment. The UNDT found serious flaws in UNHCR's investigation: the investigator had failed to verify the existence of the alleged isolation unit, consult government health authorities or conduct any forensic review of the invoices. It found the Applicant's witnesses to be credible and consistent and that UNHCR had not met its burden of proof. The UNDT rescinded the dismissal, set aside the recovery order and awarded compensation in lieu of reinstatement equivalent to two years' net base salary. The Secretary-General appealed.

UNAT held: The UNAT affirmed that UNHCR had failed to establish fraud by clear and convincing evidence. The UNDT properly exercised its discretion in evaluating credibility and correctly concluded that discrepancies concerning the clinic's affiliation or invoice stamps did not prove intent to deceive, such that the evidence did not support a finding that the Applicant knowingly submitted false claims. However, UNAT held that the two-year compensation award was excessive because the Applicant's FTA only had nine months and one week remaining at the time of her dismissal, and reduced the damages award accordingly.

6. Investigation Procedures

[ILOAT Judgment No. 4954](#)

Legal Principle: A staff member who files a harassment complaint must be given access to the investigation report on which the administration bases its decision as a matter of due process, even where internal rules do not expressly provide such access.

Facts: The Complainant, a former IAEA staff member whose appointment had been terminated for health reasons in 2019, submitted a harassment complaint to the OIOS after his separation. OIOS reviewed the allegations with the assistance of an external investigator and informed him that the investigation found no evidence amounting to misconduct and therefore the case was closed. The Complainant requested a copy of the investigation report, which OIOS refused on for alleged confidentiality reasons and only offered to provide an oral explanation. The Complainant raised his request with the Director General, who again declined to disclose the report in order to protect the individuals concerned. The Complainant challenged this decision, seeking annulment and a new investigation, or material damages, moral damages and costs.

ILOAT held: The Tribunal found that the IAEA's refusal to disclose the OIOS investigation report, even in redacted form, violated the Complainant's due process rights. Because the Director General relied on that report to determine the harassment complaint was unsubstantiated, the Complainant was entitled to access it. Providing only a summary or an oral explanation was insufficient. The decision was set aside and the Tribunal awarded EUR 10,000 in moral damages for breach of due process and EUR 10,000 in costs.

[ILOAT Judgment No. 5026](#)

Legal Principle: Internal appeal bodies must conduct a full, independent and comprehensive review of the contested decision, including reassessing the facts, weighing the evidence and determining whether a different outcome is warranted. They must consider the facts in a fulsome manner and are not limited to the ILOAT's narrower standard of judicial review.

Facts: The Complainant was alleged to have sexually harassed an OCHA staff member during a mission in Ethiopia in April 2017. IOS interviewed the alleged victim in 2019 and conducted further interviews, but several years had passed and memories diverged. In March 2021, IOS concluded that the complainant *had* engaged sexual harassment and in October 2021, WHO dismissed the Complainant for misconduct and entered his name in ClearCheck. The Complainant appealed, arguing that the allegations were unproven, the investigation was flawed and lacked key inquiries, and the excessive delay violated due process. The GBA considered that it should not reassess the evidence and should defer to the investigators, intervening only in cases of manifest error. It only acknowledged the procedural delay and otherwise upheld the dismissal. The Director-General rejected even the partial relief recommended by the GBA. The Complainant appealed to the ILOAT.

ILOAT held: The Tribunal held that the GBA incorrectly relied on the ILOAT's judicial standard of review to limit its own fact-finding role. Internal appeal bodies must conduct a full, independent

examination of the facts, not show deference to investigators as a court would. The GBA therefore misunderstood and misapplied its mandate.

The Tribunal found serious flaws in the IOS investigation. IOS failed to pursue obvious investigative inquiries, such as identifying key witnesses or checking hotel records, which undermined the reliability of its findings. These omissions were particularly significant given the contradictory witness accounts and the long passage of time between the 2017 incident and the interviews. Further, WHO's argument that the Complainant could have produced exculpatory evidence was misplaced as WHO bore the burden of proof. The Tribunal also held that the excessive delay, with the Complainant notified three years after the incident and the investigation concluding nearly four years after the incident, was in breach of WHO duty of care and impaired the Complainant's ability to defend himself. Further, the Director-General provided no justification for rejecting the GBA's finding of procedural defects.

The Tribunal annulled the Director-General's decisions, ordered WHO to remove the Complainant from ClearCheck database, and awarded him material damages and costs.

7. Moral Damages

[UNRWA/DT/2025/033/Corr. 01](#)

Legal Principle: The Tribunal may award enhanced moral damages in exceptional cases, where there is evidence of bad faith, improper purpose or reckless disregard by the organisation. A case is considered “exceptional” when unusual or serious circumstances have aggravated the harm suffered by the staff member.

Facts: The Applicant was an International Driver at the UNRWA West Bank Field Office and in 2018, he initially made a report of prohibited conduct by other drivers at UNRWA. Shortly after making this report, his appointment was terminated for misconduct due to allegations made against him by other drivers. The Applicant then filed a request for protection from retaliation, received a preliminary finding of retaliation and was placed on leave with pay pending investigations into the various complaints. In May 2020, the Applicant received a decision that he was the victim of retaliation. However in November 2020, the Applicant then received a decision that his own misconduct had been established and that his appointment would therefore be terminated. In the UNRWA DT, the Applicant contested that the two decisions were contradictory, that UNRWA had not met its burden of proof in the misconduct decision, and that the complaints leading to his dismissal were disingenuous, retaliatory reactions coordinated by the former Chief of Staff after he himself had raised concerns about misconduct.

UNRWA DT held: The Tribunal considered that the several complaints made against the Applicant were coordinated and solicited by senior management in response to the Applicant’s protected conduct. The Tribunal rescinded the Applicant’s termination decision, holding that the Respondent had not established the facts on which the disciplinary measure was based to the requisite standard of clear and convincing evidence.

The Tribunal considered that the circumstances of the case demonstrated retaliation against the Applicant, manipulation and orchestration of the complaints against him, a lack of observance of due process by UNRWA in its decision-making, an improper purpose behind the complaints made against the Applicant, and that UNRWA had a dogged pursuit of untenable charges against the Applicant. The Tribunal found that these constituted exceptional circumstances which justified an award of compensation exceeding the statutory limit, and awarded the Applicant 30 months’ net base salary.

8. Negligence

[UNDT/2025/007](#)

Legal Principle: Alleged negligence by the UN is not a cause of action available to staff members and is beyond the jurisdiction of the Tribunal.

Facts: The Applicant was a UNMISS staff member who developed jaundice-like symptoms while on mission in South Sudan in 2016 and was referred to a medical centre in Uganda for diagnosis and surgery, which later turned out to be medical malpractice. In 2019, he requested compensation and the management evaluation unit found his claim not receivable.

In 2022, he submitted a claim under Appendix D to the ABCC, which was rejected for lack of causal link to official duties. The UNDT upheld that rejection in UNDT/2024/006.

In 2024, the Applicant lodged a new claim seeking compensation for gross medical negligence allegedly arising from the 2016 referral, which was denied. The UN rejected the Applicant's MER on the basis that it was a reiteration of his two previous MERs, time-barred and because review of ABCC decisions were outside of the MAES' remit. The Applicant brought a claim of gross negligence by the UN to the UNDT.

UNDT held: This was not an actionable matter within the Tribunal's jurisdiction. In Judgment No. UNDT/2024/104 (*Aslam*), the Tribunal had confirmed that negligence is not a cause of action available to staff members. In any event, the submission of the MER was done out of time and thus the application to the Tribunal was not receivable.

[TAOECD Judgment No. 115](#)

Legal Principle: An organisation can be negligent, in the sense of dereliction of its duty of care towards staff, where it fails to take measures to avoid damage which is reasonably foreseeable.

Facts: The Applicant joined the OECD in 1992, rose to grade A4, and from 2014 headed the Responsible Business Conduct (RBC) Unit. As the RBC expanded, the Organisation planned to upgrade it to a division and create a new A5 Head of Division post. From 2017 to 2019, the Applicant repeatedly warned her hierarchy of her excessive workload and deteriorating health, but did not receive any meaningful response. She went on sick leave for burnout in 2019. In September 2019, she became Acting Head of the new RBC Centre and the A5 Head of Division post was advertised. The recruitment process lasted 14 months and in November 2020, she was informed that an external candidate had been selected. She then went on long-term sick leave and was later recognised as suffering from an occupational illness leading to permanent invalidity and her appointment ended in May 2023. In November 2023, she filed a claim for material and moral damages for negligence. The Organisation rejected her claim.

TAOECD held: Although the Applicant raised legitimate concerns about aspects of the recruitment process (e.g. timing of the opening to external candidates), she did not prove discrimination, manifest procedural irregularities, or breach of an enforceable right to promotion. Managerial decisions do not constitute harassment unless carried out in a humiliating or degrading manner.

However, OECD had breached its duty of care towards the Applicant because she repeatedly reported excessive workload and worsening health from 2017 to 2019, created a foreseeable risk of harm, but the Organisation's response was insufficient. Further, the long delay in the restructuring and the 14-month recruitment process added prolonged uncertainty and stress and OECD failed to communicate with Applicant during this period in a timely or transparent manner. These shortcomings fell short of the standard of courtesy, dignity, and respect owed by OECD to the Applicant. OECD's cumulative failures to respond to the Applicant's concerns therefore amounted to negligence and justified an award of moral damages, but not material damages.

9. Non-renewal of Fixed Term Appointments

[2025-UNAT-1537](#)

Legal Principle: FTAs carry no expectation of renewal or conversion, and a legitimate expectation arises only where the organisation has made an express written promise or firm commitment of renewal. An administrative decision not to renew an FTA can be challenged on the grounds that the organisation has not acted fairly, justly, or transparently, or that the decision was motivated by bias, prejudice or improper motive, and the burden of proof lies with the staff member. +

The Administration has no duty to find an alternative post upon expiry of the FTA.

Facts: The Applicant's post at OSESGY was declared redundant following a mission-wide staffing review and his FTA was not renewed. The Applicant argued that the review process was unlawful, that his post was improperly replaced through a functional title change rather than through a formal reclassification, and that he had been denied due process and a fair chance to be retained. The UNDT rejected these arguments and dismissed the application.

UNAT held: The appeal was dismissed and the UNDT judgment affirmed. The UNAT held that the OSESGY had lawfully exercised its discretion to restructure, that the staffing review was fair, just and transparent and that the Applicant had been properly consulted. The Tribunal reaffirmed that FTAs do not carry an expectation of renewal and no written promise of extension had been made. OSESGY was under no legal duty to find the Applicant an alternative post as his appointment expired naturally rather than being terminated due to post abolition.

10. Remote Work

[UNDT/2025/021](#)

Legal Principle: Organisations must consider all relevant and updated circumstances when exercising its discretion regarding flexible working arrangements in order to render lawful administrative decisions.

Facts: The Applicant was a staff member at ESCWA who was injured in the 2020 Beirut explosion, medically evacuated and later permitted to telecommute from the US during recovery. In 2023, following DHMOSH clearance to return to duty in Amman, ESCWA denied her requests to continue remote work. On 29 February 2024, after further medical reports advising against reassignment outside the US, ESCWA again refused remote work and directed the Applicant to Amman. The Applicant appealed this and a related reassignment decision. ESCWA argued that the application was time-barred, claiming the initial decision occurred in August 2023. The Applicant contended that the 29 February 2024 refusal was a new administrative decision which reflected the changed medical and operational circumstances.

UNDT held: The Tribunal found that ECSWA's 29 February 2024 refusal was a fresh administrative decision, as new medical evidence and security developments had arisen, and ESCWA could not "freeze the clock" by treating all subsequent requests as iterations of the original request. Further, the Tribunal held that ESCWA failed to properly exercise its discretion under ST/SGB/2019/3 (Flexible Working Arrangements) by ignoring the Applicant's medical evidence and changed conditions. ESCWA's decision was unlawful and not in good faith as it ignored the Applicant's updated medical evidence and changed circumstances, relied on outdated medical clearance, and provided no written justification as required under ST/SGB/2019/3. This amounted to an arbitrary and disproportionate denial of a request grounded in legitimate medical need.

[ILOAT Judgment No. 5030](#)

Legal Principle: Determining requests for telework due to medical reasons require an organisation to thoroughly verify the staff member's medical situation and obtain an appropriate medical opinion. Refusals based on an incomplete or superficial assessment are not justified.

Facts: The Complainant, an administrative assistant with a partial disability at Eurocontrol, requested to be considered as a vulnerable person and be allowed to telework both during and after the COVID-19 pandemic on the basis of medical evidence. In June 2020, HR refused her request on the grounds that she had not been recognised as a vulnerable person and that telework was not authorized in her unit.

ILOAT held: The Tribunal found that Eurocontrol failed to properly examine whether the complainant qualified as a "vulnerable person" under its COVID-19 guidance. It relied on a brief, informal email from a medical officer, did not obtain a proper medical opinion, did not consider the medical certificate submitted by the Complainant and did not seek information from her treating physicians. As a result, the decisions refusing telework for her were taken without the required medical assessment and had to be annulled. The Tribunal awarded moral damages and costs.

11. Same sex marriage

ILOAT Judgment No. 4931

Legal Principle: Where staff regulations do not define the term “spouse”, the organisation must defer to the legal status of a spouse according to the State laws where the marriage occurred. Organisations cannot deny benefits to legally married same-sex spouses.

Facts: The complainant, an ITU staff member, married his same-sex partner in France in 2018. Although the UNJSPF recognised the marriage for pension purposes, ITU refused to recognise the spouse for dependency benefits and related entitlements as the English version of the policy referred to “husband and wife”. Several efforts to regularise the situation were unsuccessful, including a 2022 request for administrative review and an appeal to the ITU Appeal Board. In the French version of the ITU Staff Rules, only the gender-neutral term “conjoint” was used and this allow for a broader and more inclusive interpretation. The Appeal Board considered that the French version of the Staff Regulations and Staff Rules prevailed. The Secretary-General rejected the Appeal Board’s findings on the basis that there was no consensus amongst Member States regarding the amendments to the Staff Rules and that the linguistic difference between the French and English versions of the rules should be decided by the Council.

The Complainant appealed the decision and sought all benefits, emoluments or other entitlements due and payable in respect of his dependent legal spouse, including but not limited to dependency allowances, with retroactive effect. ITU argued that the complaint was irreceivable insofar as the Complainant was asking the ILOAT to amend the ITU’s rules.

ILOAT held: This case required the Tribunal to consider the proper interpretation of the ITU’s legal framework. As a general rule, and in the absence of a definition of the term, the status of a spouse will flow from a marriage publicly performed and certified by an official of the State where the ceremony has taken place. An interpretation of Staff Regulation 3.12 which denies legally married same-sex spouses access to spouse benefits cannot be justified. Moreover, according to the ITU Constitution, in any discrepancy between the English and French versions of the Staff Regulations and Staff Rules, the French text shall prevail. Accordingly, the Tribunal granted the Complainant dependency allowances and costs.

12. Sexual Harassment

[2025-UNAT-1542](#)

Legal Principle: Sexual harassment does not require a singular act and can be established by a subtle, deliberate and intentional pattern of conduct, particularly where there exists a power imbalance between the individuals concerned.

Facts: The P3 Appellant at UNODC was separated from service with partial termination indemnity after being found to have harassed and sexually harassed a junior consultant. While preparing for a December 2017 mission to South Korea, he suggested sharing an Airbnb accommodation. During flights to and from the mission, he disclosed intimate details about his personal life, expressed romantic feelings for the consultant, was dismissive of UN rules on supervisor-supervisee relationships, and stated that he hoped she knew “what was expected of her on this trip”. When the consultant rejected the P3’s advances, he allegedly created a hostile work environment by monitoring her excessively, ridiculing her publicly and shouting at her. The UNDT found these acts proven by clear and convincing evidence, concluding that they constituted sexual harassment and workplace harassment. It upheld the disciplinary measure of separation from service with compensation in lieu of notice and a 25% termination indemnity.

UNAT held: The appeal was dismissed and the UNDT Judgment affirmed. The UNAT found no error of fact or law and confirmed that the established facts constituted sexual and workplace harassment within the meaning of ST/SGB/2008/5. Although no single act alone would have amounted to harassment, the cumulative pattern, the Appellant’s repeated suggestions to share accommodation, his expressed romantic interest and his subsequent mistreatment of her, constituted a deliberate course of unwelcome conduct of a sexual nature. The Tribunal held that the P3’s post-mission hostility towards the consultant was retaliatory and corroborated the sexual harassment finding. The Appellant’s supervisory influence created a clear imbalance of power, aggravating the misconduct.

13. Timeliness

[2025-UNAT-1531](#)

Legal Principle: Excessive delay, without further explanation by the organisation, constitutes an unlawful administrative failure and is in breach of an organisation's duty to treat staff members with fairness, reasonableness, and respect.

Facts: A MINUSCA staff member died in June 2018 from malaria, likely contracted in service. His sister filed a compensation claim under Appendix D on behalf of his widow and minor daughter in December 2018. The claim was approved in May 2021, with payment commencing on 1 July 2021, over 30 months later. The UNDT found the delay in processing the claim was excessive and a breach of the organisation's duty of care, awarding seven months' net base salary for material damages and six months' net base salary for moral harm to the dependents. The Secretary-General appealed, arguing there was no legal obligation to act within a fixed timeframe, that the delay was justified by complexity and the COVID-19 pandemic, and that the compensation awards were excessive and duplicative.

UNAT held: The Tribunal agreed that the 30-month delay was unreasonable and inadequately explained, and therefore unlawful, breaching the duty to treat the dependents fairly and with due care. It upheld the UNDT's finding of moral harm and affirming the six-month salary award, but modified the compensation for material damages. The UNAT found no specific proof of financial loss beyond the deprivation of timely payment and ruled that interest on the arrears was the appropriate remedy instead.

[OSCE PoA 1/2025](#)

Legal Principle: Procedural delays that unnecessarily prolong a staff member's stress justify an award of compensation.

Facts: The Applicant's appointment was not confirmed at the end of his probationary period. The Applicant had also filed harassment and retaliation complaints, which were dismissed. The Applicant sought internal review of all three issues and argued various grounds before the OSCE PoA, including that the process suffered from such severe delays that a fair outcome was impossible.

PoA held: The PoA acknowledged serious administrative delays and mishandling of the Applicant's harassment and retaliation complaints – one complaint was only opened after a year, the other was lost for nearly two years, and the overall process extended more than three years. The PoA held that although the Applicant's termination was lawful and his harassment and retaliation claims were unsubstantiated, the extreme procedural delays caused significant stress and uncertainty of outcome for the Applicant and warranted compensation. The Panel recalled its established practice to award compensation in cases of relevant procedural delays, and awarded the Applicant EUR 4,000.

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CASE LAW DIGEST 2025

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