



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

ATR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON RESPONDENT'S MOTION FOR
CORRECTION OF JUDGMENT**

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

Jerome Blanchard, HRMS/UNOG

1. On 27 November 2024, the Tribunal issued its judgment in the above-captioned case. *ATR UNDT/2024/100*.
2. On 18 December 2024, the Respondent filed a Motion for Correction of Judgment, pursuant to article 12.2 of the Statute of the Dispute Tribunal. The motion alleges that footnote 1 of the judgment “contains inaccurate information” and requests that the footnote be deleted “in its entirety.”
3. In particular, the Respondent takes issue with Tribunal’s observation that it appears higher-level staff members receive lighter punishment than others for sexual harassment. He claims that this “wrongly suggests that the Organization applies class-justice, which it pertinently does not.”
4. Respondent’s motion implies that the Tribunal conflated sexual harassment with workplace harassment of a non-sexual nature. He further asserts that “data maintained by the Administrative Law Division, Office of Human Resources, ... supports the conclusion that higher-level staff members were sanctioned more severely in sexual harassment and in workplace harassment cases.” The motion then proceeds to give what Respondent believes to be illustrative examples over the period of 2020 to 2024, differentiating between staff members at grades “P4 & above” and those at grades “P3 & below”.
5. The Tribunal first notes that its observations in footnote 1 are based upon language in a related case, *Sophocleous UNDT/2024/080*, para. 126, where the Tribunal summarizes the sanction letter, which in turn referenced the Compendium of Disciplinary Measures. The most recent compendium posted online by the Office of Human Resources (OHR) covers cases from 1 July 2009 to 31 December 2023. Thus, the illustrative analysis described in the instant motion draws from a different data set (2020-2024) than the data upon which the challenged footnote was based.
6. Additionally, by referring only to staff members in the Professional (“P-level”) category, the analysis ignores any discipline imposed on staff members in the General Service (“GS”), Field Service (“FS”), National Professional Officers (“NPO”) and Senior Appointments (“SG”, “DSG”, “USG”, and “ASG”). It also

fails to recognize that some “lower level” staff in the “P3 & below” category have supervisory responsibilities while some in the “P4 & above” category are not supervisors. So again, it appears that the Respondent may not have used a complete data set in his analysis.

7. In order to assess the validity of the Respondent’s assertion, and accordingly, the validity of his request to delete footnote 1,¹ it is necessary to have all the evidence that is maintained by the Administration, including that maintained by the Administrative Law Division of the Office of Human Resources.

8. Accordingly, the Respondent is directed to submit to the Tribunal, the data set forth below.

9. IT IS ORDERED that

a. On or before, 2 January 2025, the Respondent shall submit the following data in searchable format:

All disciplinary measures imposed on staff members, from at least 2009 to present, for established misconduct in the form of sexual harassment, workplace harassment, and the combination of both sexual and workplace harassment.

b. For each disciplinary measure imposed the data must indicate:

- i. the grade of the disciplined staff member;
- ii. whether the disciplined staff member had supervisory duties;

¹ Although the motion alleges that one part of the footnote is inaccurate, the Respondent does not challenge the accuracy of other parts including that the case sat in OHR for three years after it received the investigation report until the disciplinary measure was imposed on Mr. Sophocleous. To the extent that the Tribunal is persuaded by the evidence that the challenged language is inaccurate, only that language will be deleted or changed. The parts of the footnote that are not alleged to be inaccurate will remain.

- iii. a summary of the established misconduct;
- iv. whether the Administration determined the misconduct to sexual harassment, (non-sexual) workplace harassment, and/or a combination of sexual and workplace harassment; and
- v. the precise disciplinary measure that was imposed.

(Signed)

Judge Sean Wallace

Dated this 19th day of December 2024

Entered in the Register on this 19th day of December 2024

(Signed)

Wanda L. Carter, Registrar, Nairobi