**Harassment (including abuse of authority & sexual harassment)**

UNAT Judgment No. 2010-UNAT-012 (Parker), para. 38: “We find that, although one–off incident may amount to harassment, Parker was unable to discharge the onus to provide sufficient evidence of harassment, prejudice or any kind of improper motivation against him.”

UNAT Judgment No. 2010-UNAT-012 (Parker), para. 41: “[T]he UNHCR Policy provides under paragraph 18 for both informal and formal procedures to deal with complaints and grievances. It is up to a complainant, and not management, to make the choice of the process, although managers or supervisors are obligated under paragraph 12 to take all necessary action to address any known act of harassment, sexual harassment or abuse of office.”

UNAT Judgment No. 2013-UNAT-253 (Gehr), para. 80: “Those actions on the part of the Administration however, of themselves, do not necessarily constitute harassment. Substantive and procedural rights and obligations and statutory provisions may from time to time be subject to infringement and such infringement can occur for a myriad of reasons. Such infringements may arise from conscious or unconscious acts or omissions on the part of the perpetrator.”

UNAT Judgment No. 2013-UNAT-280 (Applicant), para. 63: “[In] the course of its analysis as to whether the Applicant had sexually harassed the Complainant, the UNDT failed manifestly to attach sufficient weight to the unequal nature of the respective positions of the Applicant and the Complainant within the Organization.”

UNAT Judgment No. 2013-UNAT-280 (Applicant), para. 121: “In deciding on the sanction to be applied, the Secretary-General was entitled to take into consideration the fact that the Applicant was the Complainant’s supervisor at the time of the harassment.”

UNAT Judgment No. 2013-UNAT-302 (Applicant), para. 54: “Sexual harassment prohibited by paragraph 20 of the Standards of Conduct is the antithesis of upholding the ‘highest standards’ of integrity. Thus, the Applicant’s violation of paragraph 20 of the Standards of Conduct constitutes misconduct, which may be subject to disciplinary action.”

UNAT Judgment No. 2014-UNAT-417 (Luvai), paras. 62-63: “If Mr. Luvai has been subject to acts of harassment and abuse of authority ‘over several years’, then he had, and continues to have, a contractual entitlement to request that his allegations are addressed. That entitlement, and the procedural path he is obliged to take to bring his complaint to his employer, is set out in the Secretary-General’s Bulletin ST/SGB/2008/5 on the ‘Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority’…[T]he formal procedures contained in ST/SGB/2008/5 establish the officials’ responsibility for receiving complaints and authorizes them to set up fact-finding panels. […] Provision is made for interviews with the aggrieved individual, the alleged offender and any other relevant individual. Moreover, there is provision for an internal appeal by either the aggrieved individual or the alleged offender.”

UNAT Judgment No. 2015-UNAT-572 (Ivanov), para. 26: “[The aggrieved individual], though entitled to receive a summary of the findings of the investigation report, is not entitled to receive a copy of the full investigation report as he is requesting. His case is closed and he therefore will have to present convincing arguments to show that there were exceptional circumstances which might otherwise have entitled him to the full investigation report.”

UNAT Judgment No. 2017-UNAT-718 (Bagot v. UNRWA), para. 68: “The established facts do not rise to the level of harassment or abuse of authority, since the totality of the circumstances in which Ms. L found herself prior to and during the lunch, in the apartment and in the course of the following events do not constitute circumstances which could reasonably be considered as unwelcome to her or as an improper use of a position of influence, power or authority against her.”

UNAT Judgment No. 2018-UNAT-819 (Mbaigolmem), para. 31: “Be that as it may, we are satisfied on the evidence that the Secretary-General discharged his overall onus before the UNDT. It is common cause that the complainant visited the room of Mr. Mbaigolmem on the evening in question. It is equally not disputed that the complainant made a first report about the incident at the first reasonable opportunity in the immediate aftermath of the event. That report is a previous consistent statement of the kind exceptionally admissible in cases involving sexual harassment or assault and is of considerable evidentiary weight. The credibility of it has not been damaged by any countervailing evidence. Additionally, other participants at the WEM gave statements, admittedly hearsay, alleging like conduct by Mr. Mbaigolmem, such also being exceptionally admissible as similar fact evidence signifying a propensity or impulsive behavioural pattern on the part of Mr. Mbaigolmem. Moreover, as the UNDT itself held, the various evidentiary statements relayed the version of the complainant with a conspicuous consistency that added to their credibility. By contrast, the statement of Mr. Mbaigolmem revealed that he was vague, elusive and contradictory in his account. Added to that, as the UNDT also acknowledged, it is objectively unlikely that the various witnesses against Mr. Mbaigolmem, who came from different countries to attend the WEM, and appeared to have no prior association with each other, would have colluded or conspired with the complainant to falsely incriminate Mr. Mbaigolmem. They had no reason to do that.”

UNAT Judgment No. 2018-UNAT-819 (Mbaigolmem), para. 32: “Considering these proven facts, we believe the UNDT was too circumspect in the weight it ascribed to the evidence. It erred in its conclusion that the fact of sexual harassment had been established only on a balance of probabilities. The undisputed facts, the evidence of the first report, the coherent hearsay evidence pointing to a pattern of behaviour, the internal consistency of the witness statements, the unsatisfactory statement of Mr. Mbaigolmem and the inherent probabilities of the situation, taken cumulatively, constitute a clear and convincing concatenation of evidence establishing, with a high degree of probability, that the alleged misconduct in fact occurred.”

UNAT Judgment No. 2018-UNAT-819 (Mbaigolmem), para. 33: “Sexual harassment is a scourge in the workplace which undermines the morale and well-being of staff members subjected to it. As such, it impacts negatively upon the efficiency of the Organization and impedes its capacity to ensure a safe, healthy and productive work environment. The Organization is entitled and obliged to pursue a severe approach to sexual harassment. The message therefore needs to be sent out clearly that staff members who sexually harass their colleagues should expect to lose their employment. The sanction imposed by the Administration in this case was accordingly proportionate. It follows that the appeal of the Secretary-General must succeed.”

As for the helpline, I asked around and it is managed by DM, more specifically by Jan Beagle's office directly. I also discovered that the volunteers answering phone calls do not get any training. They are just given a script to tell people where to go and whom to contact. It is, probably, therefore, the most unhelpful helpline you can find. Just between you and me ;)