

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

P. (No. 4)

v.

UNESCO

141st Session

Judgment No. 5123

THE ADMINISTRATIVE TRIBUNAL,

Considering the fourth complaint filed by Mr C. V. P. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 14 December 2023 and corrected on 10 January 2024, UNESCO's reply of 15 April 2024, the complainant's rejoinder of 1 July 2024 and UNESCO's surrejoinder of 2 October 2024;

Considering the documents produced by UNESCO on 24 June and 10 July 2025 in the further submissions ordered by the President of the Tribunal;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the decision not to reclassify his post.

Facts relevant to this dispute are set out in Judgments 4885 and 4886, delivered on 8 July 2024, concerning the complainant's first and second complaints. Suffice it to recall that the complainant joined UNESCO on 1 June 2005 as a grade G-3 supernumerary security officer, assigned to the Security Unit within the Security and Safety Section. From 16 October 2007 he held a two-year fixed term appointment, which was subsequently renewed on several occasions.

By an office notice of 16 June 2011, Mr D., then Chief of the Security and Safety Section, informed the Section’s staff that a team of trainers – to which the complainant belonged – was to be set up within the Security Unit, “to be responsible for training, ongoing training and initial training”*. The notice indicated that the trainers in question were “part of the normal service as before”*.

On 1 December 2015 the Director-General issued document DG/Note/15/31, entitled “Reinforcing security in UNESCO”, in which she communicated her decision to transfer responsibility for safety and security at Headquarters and away from Headquarters, and the section concerned, from the Bureau for the Management of Support Services to the Sector for External Relations and Public Information and requested the Assistant Director-General of that sector to put forward a “plan of action”* for security within the Organization. In this plan, the possibility of arming a very limited number of security officers before summer 2016 was considered for the first time.

On 4 December 2016 the complainant and other security officers sent the Director-General a “[r]equest [...] for the review of the classification of [their respective] posts[s]”* on the basis of Staff Rule 102.2, entitled “Compatibility with classification standards”, which provides that staff members may, at any time, submit to the executive head a request for the reclassification of their post. They noted that the Security and Safety Section had undergone “substantial modifications”* and that the classification of their posts had been determined based on “a job description which contained omissions and inconsistencies” and which did not reflect “the reality of [their] role and the importance of [their] functions and responsibilities”*.

A further office notice, dated 6 February 2017, was circulated to Security and Safety Section staff to inform them that a training group – including the complainant – had been set up in order to “implement various training activities relating to technical skills for “security” professionals”*. It was specified that the group was not a separate entity,

* Registry’s translation.

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that the needs of the service still took priority and that the composition of the group was subject to change by decision of the chief of section.

By a memorandum of 6 June 2017 – which the complainant denies having received at the time – the Administration responded to the security officers’ request for reclassification of 4 December 2016, notifying them of the Director-General’s decision to carry out several desk audits once the procedure for the procurement by UNESCO of firearms and their distribution to authorized staff was finalized. It was also indicated that the Administration would contact them in due course. As a result of the subsequent suspension of the procedure for the procurement and training in the use of firearms, the Administration did not in the end carry out the announced desk audits.

On 5 November 2018 the Security and Safety Section was transferred from the Sector for External Relations and Public Information to the Sector for Administration and Management.

On 27 August 2019 the complainant, through the Director of the Bureau of Human Resources Management (DIR/HRM), sent a request to the Director-General for the reclassification of the post that he occupied, based on the provisions of Staff Rule 102.2. He contended that his job description had not been revised since 2007, the date on which he entered the service of UNESCO. By a memorandum of 11 October 2019, he was informed that his request, which referred to the request previously submitted on 4 December 2016, had been rejected, on the grounds that it did not meet the “conditions for receivability”, as provided for in the applicable rules, since there had not been a “substantial modification in the structure and responsibilities that would lead to a substantial change in the responsibilities of security officers”*.

On 24 October 2019 the complainant wrote to DIR/HRM to challenge the “administrative decision of 11/10/2019 refusing to initiate the procedure for the reclassification of [his] post [...] provided for by Staff Rule 102.2”*. On 23 November he submitted an “application for reconsideration”* against the decision in question, addressed to the Director-General. On 23 December 2019 he submitted a notice of

appeal, then on 16 July 2020 he filed his detailed appeal with the Appeals Board.

Meanwhile, on 9 January 2020, the new post classification policy at UNESCO, described in Item 3.1 of the Human Resources Manual, entered into force following the publication of Circular AC/HR/74.

By a notice of 9 March 2020, the new Chief of the Security and Safety Section notified the security officers of the establishment of a new Operational Support Unit, with effect from 1 March, responsible *inter alia* for coordinating security training and proposing the Section's strategy in this area.

On 1 December 2020 security officers' generic job descriptions were updated, taking into account their actual duties. The complainant received his new job description on 3 December. It confirmed that his post was classified at grade G-3. On 7 January 2021 he submitted a "[r]equest for administrative review following the updating of [his] job description, without prior consultation"* which, in his view, constituted harassment, professional discrimination, unilateral amendment of his contract of employment and an infringement of his acquired rights. This request was rejected on 4 March. On 10 March 2021 the complainant submitted a notice of appeal, and on 3 May he filed his detailed appeal with the Appeals Board.

On 30 July 2021 the Administration submitted a "consolidated reply"* to the Appeals Board concerning the complainant's two appeals, namely the appeal against the rejection of his request for the reclassification of his post and that against the updating of his job description.

In the opinion it issued on 17 March 2023 concerning the appeal relating to the non-reclassification of the post, the Appeals Board recommended that the Administration "engage in discussions with the complainant with a view to determining whether the functions performed exceeded the terms of his job description, their duration and the qualifications required to perform them, and to see whether there

* Registry's translation.

was a need for compensation”^{*} and update the complainant’s job description.

On 25 April 2023 the Administration and the complainant entered discussions in an attempt to settle all of the complainant’s appeals amicably, including his appeal against the rejection of his request for the reclassification of his post. With the complainant’s consent, the time limits applicable to appeal procedures were suspended. On 21 July 2023, the complainant was informed that the ongoing procedures were to resume, in view of the failure of the discussions held.

By a memorandum of 15 September 2023, the complainant was informed of the decision taken by the Director-General concerning “[his] appeals to the Appeals Board”^{*} to reject the appeal against the decision not to reclassify his post as irreceivable for want of a cause of action and, subsidiarily, as unfounded, and to reject the appeal challenging the new job description as unfounded. That is the impugned decision.

The complainant asks the Tribunal to set aside the impugned decision in its entirety and to award him overall compensation of 60,000 euros for the material and moral injury which he considers he has suffered in connection with each of his two internal appeals. In respect, specifically, of the appeal relating to the updating of his job description in 2020, he requests that the relevant file be sent back to the Appeals Board in order to allow the internal appeal procedure to follow its regular course. Lastly, he claims 10,000 euros in costs.

UNESCO argues that the complaint must be regarded as directed exclusively against the rejection of the appeal relating to the non-reclassification of the complainant’s post, particularly since the Appeals Board, on 19 August 2024, issued an opinion on the appeal regarding the updating of the complainant’s job description. Furthermore, it challenges the receivability of the complaint on the grounds that the complainant has no present cause of action. It asks the Tribunal to dismiss the complaint, principally, as irreceivable and, subsidiarily, as unfounded.

^{*} Registry’s translation.

By a memorandum of 8 October 2024, the complainant was informed that the Director-General had decided, in accordance with the recommendation of the Appeals Board issued in the opinion of 19 August 2024, to reject his appeal against his updated job description.

CONSIDERATIONS

1. The complainant challenges before the Tribunal the decision of 15 September 2023 whereby the Director-General of UNESCO, *inter alia*, rejected his appeal against the decision of the Director of the Bureau of Human Resources Management of 11 October 2019, denying his request for the reclassification of the grade G-3 security officer post which he had occupied since 2007.

2. In his complaint, the complainant also impugns the decision of 15 September 2023 insofar as it also rejected his appeal against a new job description confirming the classification of his post at grade G-3, of which he was notified on 3 December 2020.

UNESCO asks the Tribunal not to consider the claims relating to the rejection of the latter appeal, on the ground that they exceed the scope of the present dispute. According to UNESCO, the sole purpose of the impugned decision was to decide on the appeal relating to the reclassification request and, while this decision did refer to the aforementioned job description, it did not rule on the appeal against it, which was the subject of a separate internal procedure.

3. The Tribunal notes that it is true that the opinion of the Appeals Board of 17 March 2023, in the light of which the decision of 15 September 2023 was taken, was limited to the appeal concerning the reclassification request and that the internal procedure relating to the appeal against the job description progressed in parallel with this decision. The second appeal was thus the subject of another opinion of the Appeals Board, dated 19 August 2024 – recommending that it be rejected – which UNESCO produced in an annex to its surrejoinder, and was ultimately rejected by a decision of 8 October 2024, which was

included in the file in further submissions ordered by the President of the Tribunal.

However, UNESCO's argument that no ruling had yet been made, in the decision of 15 September 2023, on the second appeal does not stand up to scrutiny since the decision, in its own terms, ruled on both appeals, expressly informing the complainant that it dealt with "[his] appeals"* and rejecting each one successively on distinct grounds. It is clear from the evidence that the rejection, at this stage, of the appeal relating to the job description is the result of an administrative error, which appears to have been caused by the fact that the Organization sought a joinder of the two appeals and that they were the subject of its "consolidated reply" to the Appeals Board. The Tribunal can but observe that the impugned decision does indeed have the dual subject identified in the complaint.

It follows that the complainant is entitled to impugn this decision, including insofar as it concerns the appeal relating to the job description and that UNESCO's objection on this score fails – bearing in mind that the legal implications concerning the merits of the dispute over the administrative error identified above will be considered below.

4. With regard to the complainant's claims directed against the impugned decision insofar as it rejected the appeal relating to the request for post reclassification, UNESCO challenges the receivability of the complaint on the grounds that the complainant has no present cause of action that would warrant his entering such claims. In this regard, it submits that the grounds for the complainant's request for reclassification, while relevant at the material time, should be considered "no longer material"* due to changes in the complainant's functions and new events that have occurred since then.

* Registry's translation.

However, while the argument adduced does touch, to a certain extent, on the substance of the dispute, this objection to receivability fails.

According to the Tribunal's case law, it is sufficient, for a cause of action to be recognized, to demonstrate that the contested administrative action caused injury to the complainant's health, finances or otherwise or that it is liable to cause such injury (see, for example, Judgments 4722, consideration 5, 4296, consideration 6, 4007, consideration 4, or 3740, consideration 11).

In the present case, the evidence shows that the disputed request for post reclassification, initially submitted on 4 December 2016 as part of a collective action and subsequently reiterated on an individual basis on 27 August 2019, was grounded primarily on the fact that the complainant, since 2010, had carried out training assignments – including on the handling of non-lethal weapons – for other security officers. It is true that these assignments were discontinued, pursuant to a notice from the Chief of the Security and Safety Section of 9 March 2020, because the training activities in question were outsourced. The fact remains, however, that at the time he submitted his request, the complainant was indeed responsible for such assignments and, assuming that carrying them out would indeed have justified the requested reclassification, he would then have been entitled to receive additional pay on this count. It is thus established that the rejection of this request was liable to cause the complainant, at the very least, financial injury – for which he claims compensation in the present procedure – during the period prior to the discontinuation of the assignments in question and his cause of action, which must therefore be recognized for him to challenge this decision, has not lapsed since then.

5. In rejecting the complainant's appeal against the decision refusing to reclassify the disputed post, the Director-General principally relied, in the impugned decision of 15 September 2023, on the fact that the appeal was irreceivable "for want of a present cause of action"* , for

* Registry's translation.

the same reasons as those set out before the Tribunal in support of the challenge to receivability examined above. It follows from what is stated in the preceding consideration that, as the complainant rightly maintains, this ground for rejection is tainted with an error of law.

6. The Director-General added in the impugned decision that, “subsidiarily”*, she was dismissing the appeal as unfounded, “since the decision challenged [was] taken in accordance with the Organization’s rules”*. The complainant has valid grounds to assert that such an explanation is plainly inadequate.

It should be underscored that the Director-General, in her decision, did not follow the advice of the Appeals Board, which had recommended that the Administration engage in discussions with the complainant with a view to determining whether he had actually been required to perform functions exceeding those specified in his job description. The Tribunal has consistently held that when the executive head of an international organization departs, to the detriment of the employee concerned, from the recommendations made by an appeals body, they must adequately state the reasons for not following those recommendations (see, for example, Judgments 4700, consideration 4, 4437, consideration 19, or 4062, consideration 3). In the present case, the Tribunal considers that the aforementioned explanation, which is as cursory as it is vague and generic, does not adequately address the observations made by the Appeals Board in its opinion in support of its recommendation. The fact, pointed out by UNESCO, that there is an indication at the end of the decision that it “[i]s without prejudice to the arguments in the Organization’s reply [to the Appeals Board]”* does not in any way, in the absence of any further detail on this point, remedy this failure to provide sufficient reasons.

7. With regard to the claims directed against the impugned decision insofar as it rejected the appeal relating to the complainant’s new job description, the Tribunal notes at the outset that this rejection is clearly improper, since, as is set out under consideration 3 above, it

* Registry’s translation.

was delivered before the Appeals Board had issued its opinion on this appeal. As the complainant rightly points out, the decision was therefore taken, on this point, in direct breach of the provisions of Staff Regulation 11.1 and of paragraphs 1 and 22 to 24 of the Statutes of the Appeals Board, which require any decision by the Director-General ruling on an appeal lodged by a staff member against an administrative decision to be adopted in the light of an opinion issued by that body.

8. In addition, the complainant is right to submit that the statement of reasons for the impugned decision concerning the rejection of this second appeal is, just as for the first, plainly inadequate.

Consistent precedent has it that – irrespective of the specific rules applicable to decisions that depart from the recommendations of an appeal body – the reasons for a decision must be sufficiently explicit to enable the persons concerned to understand why it was taken so that they can decide whether to exercise their right of appeal and to enable the Tribunal, as appropriate, to exercise its power of review (see, for example, Judgments 4923, consideration 10, 4081, consideration 5, or 3617, consideration 5). In the present case, the Director-General merely mentions in her decision, also on this point, that the “decision challenged is [...] in accordance with the Organization’s texts”*. Such reasoning, for the same deficiencies as those already noted above, does not satisfy the requirements of the case law.

9. It follows from the foregoing that the Director-General’s decision of 15 September 2023 must be set aside in its entirety, without there being any need to rule on the complainant’s other pleas against it.

10. The Tribunal must, however, at this stage of its findings, examine the lawfulness of the two initial decisions challenged by the complainant, in order to settle the dispute.

* Registry’s translation.

11. As to the decision of 11 October 2019 rejecting the request for reclassification, it should first be recalled that, according to a steady line of precedent, the classification or reclassification of posts in an international organization is a matter within the discretion of the organization's executive head and the Tribunal has only a limited power of review in respect of decisions taken on such matters. A decision of this kind cannot be set aside, in principle, unless it was taken without authority, shows some formal or procedural flaw or a mistake of fact or of law, overlooks some material fact, draws clearly mistaken conclusions from the facts or stems from an abuse of authority. Indeed, the classification of posts necessarily involves the exercise of value judgements as to the nature and extent of the duties and responsibilities of the posts, and it is not the Tribunal's role to undertake this type of evaluation (see, for example, Judgments 4960, consideration 17, 4685, consideration 4, 4221, consideration 11, 3589, consideration 4, or 3294, consideration 8).

12. Staff Rule 102.2, entitled "Compatibility with classification standards", in force at the material time, read as follows:

"Any staff member who considers that the nature of the duties or the level of responsibilities required of him or her are not compatible with the classification standards or criteria applicable to the grade of his or her post may, at any time, submit to the Director-General a request for the reclassification of the post, provided that there has been a substantial modification in the structure and responsibilities of the unit to which the post belongs, and consequently in the responsibilities of the claimant."

This rule, reproduced, in substance, in Item 3.1, paragraph 28, of the Human Resources Manual, on the "Post classification system", and the procedures for the application of which are specified in paragraphs 29 to 36 of that item, provided for a procedure allowing any staff member to request the reclassification of his post himself. It appears, however, from the terms of the above-mentioned provision that the availability of this particular procedure – which diverges from the usual method for the review of post classifications, whereby proposals for review are made at the initiative of the relevant supervisor – was subject to two conditions: on the one hand, "that there [should have] been a substantial modification in the structure and

responsibilities of the unit to which the post [...] belongs” and, on the other hand, that such a modification should have resulted in “a substantial change [...] in the responsibilities of the claimant”. Paragraph 32 of Item 3.1 further emphasized that these two conditions should be understood as being cumulative, since a post evaluation would be made by the Classification Officer only “[i]f both these conditions [were] met”.

13. In the present case, the Director of the Bureau for Human Resources Management was therefore right to note in the decision of 11 October 2019 that the reclassification request submitted by the complainant could only stand if the unit to which he was assigned had itself undergone a substantial modification of its structure and responsibilities. On the basis of the evidence in the file, the Tribunal shares the Organization’s view that the changes that the unit underwent during the period prior to the filing of the request, including the creation of a team of in-house trainers, were not sufficient to demonstrate a substantial modification.

There is little doubt, in the Tribunal’s view, that up until 2020, the complainant was asked to perform duties, due to his involvement in that team, which exceeded those specified in his former job description and required specific professional qualifications. However, even assuming that this would have resulted in a “substantial modification” – or, according to the differing and less demanding formulation in the above-mentioned paragraph 28, a “substantial change” – of his own responsibilities, the complainant’s reclassification request was nonetheless bound to be dismissed because it failed to meet the condition that this change stemmed from a substantial modification of the unit to which he was assigned.

Furthermore, there are no grounds for the Tribunal to assert, in view of the limits of its power of review in this respect established by the aforementioned case law, that the complainant’s duties and qualifications changed sufficiently to justify a reclassification of the post that he occupied and thereby render it unlawful to maintain the post at grade G-3.

14. The complainant further submits that he should be entitled to rely on promises made to the security officers, specifically in the context of the office notices circulated by the Section Chief in 2011 and 2017 and an internal newsletter, that the posts of those among them who carried out training assignments would be reclassified. However, while it is true that the Tribunal's case law accepts that, under certain conditions, a promise made by an international organization is legally binding (see, for example, Judgments 4253, consideration 6, or 3148, consideration 7), the complainant misreads the scope of the assurances given to the officers. In fact, it appears from the documents in question that they concern only a review of these officers' job descriptions, and not a reclassification of their posts. One of the notices on which the complainant relies, namely that of 16 June 2011, even expressly states that the proposed modification to these job descriptions would be made "at the same grade".*

It is true that, in a memorandum of 6 June 2017, by which the Administration had replied to the collective request of 4 December 2016, it was indicated that the Director-General had decided to carry out audits of the security officers' posts. However, this undertaking was given, according to the terms of the memorandum, with a view to equipping some of them with firearms, as was foreseen at the time, and, consequently, increasing their responsibilities. However, the implementation of the programme for the distribution and training in the use of firearms was suspended *sine die* pursuant to a recommendation in this connection issued on 25 October 2018 by the Internal Oversight Service (IOS), in the context of the findings of an audit report on security at UNESCO Headquarters. The Administration was therefore right to consider, in the decision of 11 October 2019, that the initial undertaking given by the Director-General had become redundant.

15. Lastly, while the complainant submits that the Organization previously disregarded its obligation, under Item 3.1, paragraph 9, of the Manual, to ensure at least once every four years the validity of his job description, this argument is in any event of no avail against the

* Registry's translation.

decision rejecting his request for reclassification, which he had submitted specifically under Staff Rule 102.2.

16. It follows from considerations 11 to 15 above, and without there being any need to order the production of the documents requested by the complainant on the matter, that the arguments in the complaint against the lawfulness of the decision of 11 October 2019 must be rejected.

17. With regard to the objection to the job description of 3 December 2020, it should first be recalled that a new decision taken by the Director-General on 8 October 2024, that is after the written submissions in the present case were closed, rejected, in accordance with the recommendation issued by the Appeals Board in its opinion of 19 August 2024, the complainant's appeal against this job description.

The Tribunal considers that, while it did not formally revoke the decision of 15 September 2023 insofar as it concerned that appeal – which thus left the subject of the claims against it, examined above, standing – the decision of 8 October 2024 de facto superseded the previous decision insofar as it once again rejected the appeal against the job description. But the complainant did not challenge the decision of 8 October 2024, of which he was informed on the day of its adoption, before the Tribunal within the time limit of 90 days prescribed under Article VII, paragraph 2, of its Statute.

Furthermore, the complainant did not request, as he might have done, to submit comments criticizing the new decision in the present proceedings. Had he submitted such comments, the Tribunal would undoubtedly have allowed, in the unusual circumstances of this case, for the complaint to be reclassified as being also directed against the decision of 8 October 2024, based, by analogy, on the solution normally adopted in cases where, in the course of proceedings, an initially impugned implied decision is superseded by an express decision (see, for example, Judgments 5034, consideration 4, or 4769, consideration 3). However, no such reclassification can be made in this instance since the

complainant has made no request in this respect and the Tribunal has before it no submissions from the parties relating to this decision.

It follows from these findings that the rejection, on 8 October 2024, of the complainant's internal appeal against the disputed job description has become final, thereby rendering the challenge to the rejection irreceivable.

18. It is true that it cannot be excluded, in this case, that the complainant may have been misled concerning the benefit of impugning the decision of 8 October 2024 since his appeal against the job description had already been rejected by the decision of 15 September 2023 challenged in the present complaint. However, the question of whether, for this reason, there would be grounds to invoke the irreceivability demonstrated above against the complainant can remain undecided, as the complainant's argument – which is, moreover, very succinct – challenging this job description is, in any case, entirely unfounded.

19. In this respect, the complainant alleges, firstly, that there was no prior consultation regarding the content of his new job description. However, the Tribunal observes that the latter referred to a generic job description developed for a number of similar positions, as allowed by Item 3.1, paragraphs 8 and 19, of the Manual, as revised following a reform of the regulations governing the classification of posts that came into effect on 9 January 2020. It is inherent in the nature of such a job description that its substance cannot be discussed individually with each of the officials to whom it applies, and it appears from the evidence in the file that the review of the security officers' job descriptions had given rise to exchanges with them at meetings organized by the Administration. Consequently, this plea cannot, in any event, be accepted.

20. Secondly, the complainant contends that security officers suffered unequal treatment, in respect of post classification, as compared to fire safety officers, whose career progression was more favourable. But this plea obviously fails. According to the Tribunal's

case law, the principle of equal treatment requires, on the one hand, that officials in identical or similar situations be subject to the same rules and, on the other hand, that officials in dissimilar situations must be governed by different rules defined so as to take account of this dissimilarity (see, for example, Judgments 5071, consideration 14, 4681, consideration 9, or 4277, consideration 21). The functions and responsibilities of fire safety officers are clearly different from those of security officers and the complainant fails to establish in any way that the difference in the career regime to which he objects is not related to this dissimilarity of situation.

21. Thirdly, the complainant submits that his job description includes an error of law in that it provides that he may be called upon to oversee staff from an external private company. In his view, the outsourcing of security functions is unlawful, in its very principle, since it contravenes a United Nations General Assembly resolution prohibiting it. However, even if this plea could be relied upon to challenge a job description, it should be noted that the resolution in question is not, in itself, applicable to UNESCO and, furthermore, it is not for the Tribunal to review the advisability or merit of outsourcing certain activities of an organization (see, on this point, Judgment 4885, on the complainant's first complaint, consideration 2, and the case law cited therein). Since UNESCO decided to outsource certain security functions, it is by no means unusual that some security agents should be entrusted with the responsibility of overseeing the providers performing these functions.

22. Lastly, the complainant submits that his new job description does not accurately reflect the nature of his functions. However, the mere statement on this matter in the complaint, that the description "does not correspond to the reality on the ground"*, is by no means sufficient to demonstrate that this document does not correctly describe the various tasks pertaining to the complainant's post as modified, in particular, by the aforementioned notice of 9 March 2020.

* Registry's translation.

23. It follows from considerations 17 to 22, above, that the arguments in the complaint contesting the lawfulness of the disputed new job description must be rejected.

24. The complainant seeks an award of damages as compensation for the material and moral injury caused to him by the impugned decision and the initial decisions taken against him.

The Tribunal notes that, since, as previously mentioned, the maintenance of the complainant's classification at grade G-3 warrants no criticism, the complainant has suffered no material injury.

Furthermore, as the initial decisions challenged were by no means unlawful, the claims for compensation for the moral injury allegedly arising from them must be rejected.

On the other hand, the Tribunal considers that the gross nature of certain flaws affecting the impugned decision of 15 September 2023 was such as to cause the complainant moral injury warranting compensation. The administrative negligence that led the Director-General to reject the appeal directed against the new job description before the Appeals Board issued its opinion on the appeal, as well as the blatant inadequacy of the reasons given for the impugned decision, indicate a lack of consideration for the complainant which he could, legitimately, construe as undermining his dignity. The fact that the complainant's right to appeal was ultimately upheld by the Appeals Board's subsequent consultation that gave rise to the opinion of 19 August 2024 is insufficient to remove this injury.

25. The complainant also objects to the delay in examining his request for reclassification and the review of his job description, as well as the delay, excessive in his view, in the internal appeal procedures relating to each of the two appeals he had lodged against the initial decisions adopted at the conclusion of these administrative processes.

- (a) With regard to the time within which the initial decisions at issue were taken, the Tribunal notes that a decision on the request for reclassification submitted by the complainant on 27 August 2019 was issued as early as 11 October and that the collective request

filed previously by the security officers on 4 December 2016 had been the subject of a detailed response – even though the complainant denies having received the memorandum in which it was set out – on 6 June 2017. As concerns the disputed job description, which aimed to reflect the various tasks pertaining to the complainant’s post as modified, in particular, by the notice of 9 March 2020, the complainant was notified thereof, as stated above, on 3 December 2020. The Tribunal finds that while certain of these time frames could, for some of them, have been shorter, they cannot be regarded as unreasonable, in view of the nature of the decisions concerned and the complexity of the administrative procedures involved.

- (b) With regard to the length of the internal appeal procedures, it should be recalled that, according to the Tribunal’s settled case law, officials are entitled to have their appeals examined by the competent bodies with due diligence, and failure to comply with the requirement to deal with them expeditiously constitutes misconduct on the part of the organisation concerned (see, for example, Judgments 5057, consideration 20, 4727, consideration 14, or 3510, consideration 24). In the present case, a period of three years and two months elapsed between the complainant filing his detailed appeal against the rejection of his request for reclassification, on 16 July 2020, and the Director-General reaching a decision on his appeal, on 15 September 2023. As to the appeals procedure concerning the new job description, it extended, from the filing of the detailed appeal, on 3 May 2021, to the adoption of the final decision – taken, as indicated above, on 8 October 2024 – over a period of three years and five months. Such processing times are clearly excessive. UNESCO contends, in this regard, that the work of the Appeals Board and of the UNESCO Administration itself was considerably disrupted, in 2020 and 2021, by the Covid-19 pandemic and that the internal procedures involved in the complainant’s various appeals had, furthermore, been suspended for three months, in 2023, because of negotiations aimed at reaching an amicable settlement of the disputes between the parties. However, the Tribunal considers

that, in view of the timeline of the case, these circumstances fall short, in this instance, of justifying the entire delay affecting the processing of the two appeals at issue. The complainant is therefore entitled to claim compensation for the moral injury caused to him.

26. In all, the Tribunal considers that the two heads of moral injury recognized in considerations 24 and 25(b), above, taken as a whole, will be fairly redressed by awarding the complainant compensation of 7,000 euros.

27. Having succeeded in part, the complainant is entitled to costs, which – in view of the fact that he was not represented before the Tribunal by counsel – shall be set at 1,000 euros.

DECISION

For the above reasons,

1. The decision of the Director-General of UNESCO of 15 September 2023 is set aside.
2. UNESCO shall pay the complainant 7,000 euros in moral damages.
3. The Organization shall pay the complainant 1,000 euros in costs.
4. All other claims are dismissed.

In witness of this judgment, adopted on 28 October 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.