CONSEIL DE L'EUROPE
COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF
ADMINISTRATIVE TRIBUNAL

Appeal no. 671/2020
(Laurence NECTOUX v. Secretary General of the Council of Europe

The Administrative Tribunal, composed of:

Ms Nina VAJIĆ, Chair,
Ms Lenia Samuel,
Mr Thomas LAKER, Judges**,**

assisted by:

Ms Christina OLSEN, Registrar,
Mr Dmytro TRETYAKOV, Deputy Registrar,

has delivered the following decision after due deliberation.

PROCEEDINGS

1. The appellant, Ms Laurence NECTOUX, lodged her appeal on 5 October 2020. It was registered the same day under No. 671/2020.

2. On 7 December 2020, the Secretary General submitted her observations on the appeal.

3. On 8 January 2021, the appellant filed submissions in reply. At the same time, she asked for the hearing originally scheduled for 26 January 2021 to be postponed pending the opinion of the Commission against Harassment to which the appellant had in the meantime applied on 30 September 2021. On 11 January 2021, the Chair of the Tribunal decided to allow the request.

4. On 29 March 2021, the appellant asked to be allowed to make new written submissions concerning the opinion and recommendations that had in the meantime been issued by the Commission against Harassment on 10 February 2021, and also the memorandum of the Deputy Secretary General of 19 March 2021 following up on that opinion. The Chair of the Tribunal gave the appellant until 20 April 2021 to submit her observations.

5. On 20 April 2021 the appellant sent the Registry her summary submissions in response to the Commission against Harassment opinion of 10 February 2021.

6. On 10 May 2021, the Secretary General submitted her observations in response to the summary submissions produced by the appellant in response to the Commission against Harassment opinion.

7. On 31 May 2021 the appellant added a new document to the case file, namely a letter of resignation from a staff member who had worked in the Court's Registry prior to May 2021 under the supervision of the two persons complained of by the appellant in the present proceedings.

8. On 4 June 2021, the Secretary General submitted her observations regarding the document in question.

9. Owing to the precautionary measures implemented in Europe because of the pandemic, the hearing in this appeal took place by videoconference, on Thursday 24 June 2021. The appellant was represented by counsel, Me Clémence MINET, barrister at the Strasbourg Bar. The Secretary General was represented by Mr Jörg Polakiewicz, Director of Legal Advice and Public International Law (Jurisconsult).

THE FACTS

I. CIRCUMSTANCES OF THE CASE

10. The appellant is a former Council of Europe staff member who was recruited on 1 August 2018 as a translator at the European Court of Human Rights (hereinafter "the Court") on a 9-month fixed-term contract with a 2-year probationary period.

11. The appellant’s initial appointment was successively extended until 31 July 2019, 31 December 2019 and then until 31 July 2020, when her two-year probationary period was due to expire.

12. The appellant’s professional performance and competences were examined in two appraisal reports. The first report covered the period from 1 August 2018 to 31 January 2019 while the second covered the period from 1 February 2019 to 31 July 2019. Under the heading "general appraisal", both appraisal forms stated that the appellant had only "partially satisfied the requirements of the post".

13. From 4 October 2019, the appellant was off work on sick leave, which was continuously extended until 10 August 2020, the date on which her appointment ended.

14. On 22 May 2020, the Director of Human Resources informed the appellant of the Appointments Board's recommendation of 5 May 2020 that her appointment be terminated at the end of her probationary period subject to the required notice being given. The appellant was invited to submit comments within eight working days, which she did on 5 June 2020.

15. On 10 June 2020, the Head of the Department for the Administrative, Social and Financial Management of Staff, acting on behalf of the Directorate of Human Resources, informed the appellant that the Registrar had confirmed the Appointments Board's recommendation to terminate her appointment and that, as a result, her appointment would end, subject to the two-month notice period, on 10 August 2020.

16. On 9 July 2020, the appellant lodged an administrative complaint against this decision.

17. The appellant's complaint was dismissed by decision of 5 August 2020.

18. On 30 September 2020 the appellant lodged a complaint with the Commission against Harassment (hereinafter "the Commission") concerning the psychological harassment she had allegedly suffered during her probationary period at the Registry of the Court. The complaint was directed against two members of staff of the Registry who had acted as the appellant's appraiser (N+1) and that person's hierarchical superior (N+2) during her probationary period and who, in that capacity, had prepared the appellant's appraisal reports.

19. On 10 February 2021, the Commission issued its opinion and recommendations. More specifically, the Commission concluded that it had found no evidence of the appellant having been subjected by her N+1 and N+2 to prohibited conduct that might constitute psychological harassment within the meaning of Rule No. 1292. The relevant passages of the Commission's opinion read as follows:

> "76. The testimonies and all the evidence gathered lead the Commission to conclude that the relationship between the complainant and the two individuals complained of was confrontational and strained. The Commission found no evidence to support the complainant's allegation that [her N+1] and [her N+2] deliberately intended to undermine her, or that they tried to make her fail her probationary period. The Commission is also unable to confirm or deny the complainant's allegation that the corrections made by [her N+1] and [her N+2] were unwarranted. That, in the view of the Commission, is a matter for the translation services.
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> 77. The Commission also considers that there is no evidence of a lack of training or support in Ms Nectoux's case. It recognises that understaffing and the pressure on management at the time of the events might mean there was less support than would normally have been available, but it cannot conclude that there was no support at all. The Commission is, however, concerned about the tone, the language used and the lack of positive feedback and encouragement in the appraisal forms.
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> 78. Generally speaking, the Commission does not see anything in the behaviour of [the complainant's N+2] or [the complainant's N+1] that could be considered prohibited acts or remarks within the meaning of Rule No. 1292. It notes that the complainant's attitude also played a role in this conflictual situation."

20. In a memorandum dated 19 March 2021, the Deputy Secretary General endorsed the Commission's finding that the appellant had not been subjected to harassment and decided what action should be taken in response to its recommendations.

21. On 5 October 2020, the appellant lodged the present appeal.

II. RELEVANT LAW

22. Article 59, paragraph 2, of the Staff Regulations concerns the lodging of administrative complaints and reads as follows:

> "2. Staff members who have a direct and existing interest in so doing may submit to the Secretary General a complaint against an administrative act adversely affecting them, other than a matter relating to an external recruitment procedure. The expression 'administrative act' shall mean any individual or general decision or measure taken by the Secretary General or any official acting by delegation from the Secretary General."

23. Article 60, paragraphs 1 and 2, of the Staff Regulations concerns the lodging of appeals and reads as follows:

> "1. In the event of either explicit rejection, in whole or part, or implicit rejection of a complaint lodged under Article 59, the complainant may appeal to the Administrative Tribunal set up by the Committee of Ministers.
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> 2. The Administrative Tribunal, after establishing the facts, shall decide as to the law. In disputes of a pecuniary nature, it shall have unlimited jurisdiction. In other disputes, it may annul the act complained of. It may also order the Council to pay to the appellant compensation for damage resulting from the act complained of."

24. The matter of probationary periods is governed by Articles 17 and 18 of the Staff Regulations and Articles 17-20 of the Regulations on Appointments (Appendix II to the Staff Regulations). The provisions of the Staff Regulations read as follows:

> **Article 17 – Probationary period**
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> "1. Before staff members can be confirmed in their appointment, they must have satisfactorily completed a probationary period, the length of which shall be determined by the Regulations on Appointments.
> 2. During the probationary period a contract may be terminated by either party at two months' notice."
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> **Article 18 – Confirmation in employment**
>
> "Contracts confirming employment shall be of indefinite or fixed-term duration, as determined by the Regulations on Appointments without prejudice to Articles 19 and 20 of these Regulations."

25. The relevant provisions of the Regulations on Appointments read as follows:

Article 17 – Probation

"1. Staff members recruited in accordance with the provisions of Articles 15 and 16 of these Regulations on appointments shall be subject to a two-year probationary period during which time they shall be appointed on the basis of fixed-term contracts.
2. During this period, either side may terminate the contract at two months' notice. Should this notice period extend beyond the term of the initial contract, then that contract shall be extended accordingly.
3. Termination of the contract on the initiative of the Secretary General shall be decided by him or her on the advice of the Board."

Article 18 – Probationary period

"1. The probationary period is a trial and training period and may be extended by one year, in the case provided for in Article 20, paragraph 3.
2. Where the probationary period has been interrupted for reasons outside the staff member's control, the Secretary General may, on the advice of the Board, extend it by the length of the interruption.
3. During the probationary period, the staff member shall be assigned to a Major Administrative Entity or to different Major Administrative Entities in turn. He/she shall be entrusted with duties corresponding to his or her grade to enable him or her to acquire the necessary training under the supervision of his or her superiors. (…)."

Article 19 – Appraisal during the probationary period

"The conditions governing the appraisal of staff members during their probationary period are laid down in a General Rule. The provisions of Article 22 of the Staff Regulations apply, mutatis mutandis, to the appraisal of staff members during their probationary period."

Article 20 – Confirmation in employment for an indefinite duration or for a fixed term

"1. Before the probationary period expires, the Board shall examine the staff member's file and, in particular, his or her appraisal reports made in accordance with Article 19.
2. If the staff member's work is satisfactory, the Board shall recommend that the Secretary General confirm him or her in his or her employment.
3. If the staff member's work is the subject of conflicting opinions, the Board may, in exceptional cases, recommend that the Secretary General extend the probationary period in accordance with the provisions of Article 18, paragraph 1.
4. If the staff member's work is unsatisfactory, the Board shall recommend that the Secretary General terminate the employment, subject to the required notice being given. The staff member concerned shall be notified of this recommendation and shall have the right to submit observations to the Secretary General within eight working days. (…)."

26. Rule No. 1292 of 3 September 2010 on the protection of human dignity at the Council of Europe prohibits any form of sexual and psychological harassment in the workplace and/or in connection with work at the Council of Europe. It sets out the applicable measures in cases of harassment and establishes the Commission against Harassment, which is competent to examine complaints of harassment. Rule No. 1292 also sets out the measures that the Secretary General may take in response to the Commission's decision.

THE LAW

27. The appellant asks the Tribunal to declare the decision of the Court's Registrar confirming the Appointments Board's recommendation and terminating her contract at the end of her probationary period null and void.

28. The appellant also requests that the Tribunal order the Secretary General to compensate her for pecuniary damage in an amount equivalent to the loss of earnings from the date on which the impugned decision took effect until the delivery of the Tribunal's decision.

29. In addition, the appellant asks the Tribunal to order the Secretary General to pay her the sum of EUR 25 000 for non-pecuniary damage. She is also claiming costs.

30. The Secretary General asks the Tribunal to declare the appeal partly inadmissible as regards the appellant's request for an acknowledgement of the alleged psychological harassment and for the rest to be dismissed as ill-founded.

I. ON THE PARTIAL INADMISSIBILITY OF THE APPEAL

31. Before it can consider the merits of the present case, the Tribunal must first examine the Secretary General's argument that the appellant's request for the Tribunal to recognise the psychological harassment inflicted by her hierarchical superiors is inadmissible.

A. The Secretary General

32. In the view of the Secretary General, the appellant's request that the Tribunal recognise the psychological harassment suffered is inadmissible because that request was dealt with in a separate procedure before the Commission against Harassment. The Secretary General therefore considers that it is not for the Tribunal to rule on this request in the context of the present appeal. If necessary, the Tribunal could be asked to consider such a request in a separate appeal against the Commission's decision.

B. The appellant

33. For her part, the appellant, in her observations in reply, states that there is an indisputable link between the harassment complained of and the challenge to the lawfulness of the decision to terminate her contract, since that decision stems directly from the harassment of which she was a victim, as well as from the Organisation's failure to fulfil its duty of care when asked by her to rectify the situation. She states that the way in which the work was organised and the attitude and comments of her hierarchical superiors not only caused damage to her physical and mental health and a deterioration in the working environment, but also jeopardised her employment since after she was harassed, her contract was terminated. The appellant adds that the Tribunal has unfettered discretion in the assessment and classification of acts of psychological harassment and that it is not bound by the Commission's opinion.

34. The appellant therefore asks that the plea of inadmissibility be dismissed.

C. The Tribunal's assessment

35. The Tribunal notes that, in support of the present appeal, the appellant relies on several grounds for challenging the lawfulness of the impugned decision, including the failure to provide sufficient reasons and the fact that the decision was unjustified and improper. As the appellant rightly points out, the alleged acts of harassment are directly related to the irregularities cited, since it is principally on their basis that the negative appraisal reports produced during the appellant's probationary period and the decision to terminate her employment are being challenged.

36. The Tribunal must therefore examine the appellant's allegations of harassment insofar as they are liable to affect the lawfulness of the impugned decision with respect to the grounds relied upon in support of her appeal. The Tribunal points out that, in that examination, it is free to assess the allegations independently and may be guided by the conclusions of the Commission against Harassment, without, however, being bound by them.

37. In the light of the foregoing, the Secretary General's argument that the appeal is partially inadmissible must be rejected.

II. THE MERITS

A. The appellant

38. The appellant raises three grounds of appeal: failure to give sufficient reasons for the impugned decision, unjustified and improper nature of the decision and the Organisation's breach of its duty of care.

1. *Failure to provide sufficient reasons*

39. The appellant contends firstly that the impugned decision does not contain sufficient reasoning to enable her to satisfy herself that it is lawful and well-founded. She submits that no such reasoning is provided either in the memorandum from the Director of Human Resources of 22 May 2020 informing her of the Appointments Board's recommendation (see paragraph 14 above) or in the decision taken on 10 June 2020 by the Registrar as a result of that recommendation (see paragraph 15 above). The appellant states that, in confirming the Appointments Board's recommendation, which was based on the appraisal reports that she had contested, the Registrar "failed to take account of key facts and turned a blind eye to all the conduct complained of and the climate of harassment in which the said reports were drawn up".

2. *Unjustified and improper nature of the impugned decision*

40. Secondly, the appellant argues that the decision to terminate her contract was unjustified and improper, not only because of the above-mentioned acts of harassment, but also in the light of her professional career, her skills in her field and her professional attitude. The appellant also complains that her probationary period was not extended to allow for her sick leave, even though the latter was a result of the harassment complained of.

3. *Organisation's breach of its duty of care*

41. With regard to the third ground of appeal, the appellant states that, even though she spoke to various people in the Organisation about the harassment, no appropriate action was taken and no proper protection provided by her employer. She states that she brought the harassment to the attention of her managers, the Council's medical officer, the staff member in charge of welfare and performance issues in the Directorate of Human Resources (hereinafter "DHR") and the staff representative. Although the appellant concedes that suggestions were made after she reported the harassment, she maintains that these suggestions never went beyond the discussion stage and that no appropriate support measures were put in place to end the harassment in question. As for the proposals that she herself made, in particular her request for a transfer, the appellant states that the Administration failed to take these on board. It was merely suggested that she return to work in the same conditions as the ones that had caused her to go off on sick leave. In the absence of any measures to protect her, the appellant lodged a complaint with the Commission against Harassment.

42. In conclusion, the appellant requests that the impugned decision be set aside and that she be awarded EUR 25 000 for non-pecuniary damage and EUR 4 800 in costs. With respect to pecuniary damage, she is also claiming an amount equivalent to the loss of earnings from the date on which the impugned decision took effect (10 August 2020) until the delivery of the Tribunal's decision, taking her net salary as a reference.

B. The Secretary General

1. *Failure to provide sufficient reasons*

43. As regards the first ground of appeal raised by the appellant, the Secretary General contends that the requirements in terms of reasoning were met in this case. The appellant was informed that it was because of her inadequate professional performance during her probationary period, as established in her appraisal reports, that the Appointments Board had recommended terminating her appointment and that the Registrar had acted on that recommendation. The Secretary General further states that on 31 July 2020 a copy of the minutes of the Appointments Board meeting was forwarded to the appellant, thus further enlightening her as to the reasons for the Board's recommendation.

2. *Unjustified and improper nature of the impugned decision*

44. With regard to the second ground of appeal raised by the appellant, the Secretary General refutes the appellant's arguments to the effect that the decision in question was unjustified and improper. She submits that the decision was taken after due process and is duly reasoned in the light of objective, relevant and justified considerations relating to the appellant's inadequate performance. In response to the appellant's arguments concerning her success in the competition to join the Registry of the Court and her long-standing relevant experience, the Secretary General notes that these considerations are no substitute for a staff member's performance appraisal. After pointing out that there is no obligation to extend a probationary period when it has been interrupted for a reason beyond the staff member's control, the Secretary General notes that the Appointments Board did consider extending her probationary period but decided not to as it was felt that, given how the appellant had struggled during the 14 months she had actually worked at the Court, any significant improvement was unlikely, for example if her probationary period were extended. In those circumstances, such an extension was neither in the interests of the Organisation nor in the interests of the appellant.

3. *Organisation’s breach of its duty of care*

45. Lastly, the Secretary General notes that there is no evidence to suggest that the Organisation failed to react appropriately and in a timely manner to the concerns raised by the appellant. The various people whom she spoke to about her problems all acted appropriately, providing the appellant with the assistance, guidance and support expected of them in their respective roles, without this attention being tantamount to any acknowledgement of the alleged harassment. Practical suggestions for reorganising the appellant's work were made with a view to facilitating her return to the Court, but these were never implemented because the appellant's sick leave was extended. While pointing out that staff members do not have a right to a transfer, the Secretary General also notes that the appellant’s request for a transfer was duly examined, although it was unsuccessful. The Secretary General also notes that the appellant's fixed-term contract was renewed for the duration of her absence from work, even though there was no requirement to do so.

46. In conclusion, the Secretary General maintains that she has not violated any regulation or the practice or general principles of law. Nor has there been any wrongful assessment of the relevant facts, erroneous conclusions or misuse of authority. She therefore asks that the present appeal be rejected on the merits.

C. The Tribunal’s assessment

47. The purpose of this appeal is to challenge the decision to terminate the appellant's employment at the end of her probationary period. The appellant claims that the decision was improper because it was not sufficiently reasoned. The appellant also claims that the impugned decision was taken on factually erroneous grounds, since it is a consequence of the situation in which she was placed as a result of the Organisation's breach of its duty of care and the harassment suffered. The Secretary General maintains that the decision is justified because the appellant failed to perform to the required standard.

48. The Tribunal believes that attention needs to be drawn firstly to its case law in matters relating to discretionary decisions (ATCE, No. 226/1996, appeal No. 226/1996 – Daniel Zimmermann v. Secretary General, decision of 24 April 1997, paragraph 37):

"37. The Administrative Tribunal points out that in staff management matters the Secretary General, who holds the authority to make appointments (Article 36 c of the Statute of the Council of Europe and Article 11 of the Staff Regulations), has wide ranging discretionary powers under which he is qualified to ascertain and assess the Organization's operational needs and the staff's professional abilities. However those discretionary powers must always be lawfully exercised. Where a decision is challenged, an international court naturally cannot substitute its judgment for that of the Administration. However, it must ascertain whether the decision challenged was taken in compliance with the Organisation's regulations and the general principles of law, to which the legal systems of international organisations are subject. It must consider not only whether the decision was taken by a competent authority and whether it is legal in form, but also whether the correct procedure was followed and whether, from the standpoint of the Organisation's own rules, the administrative authority's decision took account of all the relevant facts, any conclusions were wrongly drawn from the evidence in the file, and there was any misuse of power (ABCE, No. 147-148/1986, Bartsch and Peukert v. Secretary General, Decision of 30 March 1987, paragraphs 51-53; No. 173/1994, Ferriozzi-Kleijssen v. Secretary General, Decision of 25 March 1994, paragraph 29; and ATCE, Nos. 216, 218 and 221/96, Palmieri III, IV and V v. Secretary General, Decision of 27 January 1997, paragraph 41)."

49. The Tribunal is of the opinion that those principles should also apply to staff performance appraisals.

1. *Failure to provide sufficient reasons*

50. With regard to the appellant's complaint concerning the failure to provide sufficient reasons for the impugned decision, the Tribunal states that it is possible to compensate for an insufficient statement of reasons even in the course of proceedings where, before the appeal was lodged, the staff member concerned already had at his or her disposal information constituting a basis for a statement of reasons. It may also be considered that a decision is sufficiently reasoned if it was taken in a context known to the staff member concerned, enabling him or her to appreciate its scope.

51. In the present case, the Tribunal considers that the appellant was sufficiently informed that her performance did not reach the required standard, meaning that she was in a position to understand the reason why the Appointments Board recommended terminating her appointment, and also the reason why the Registrar decided to terminate her employment on the basis of that recommendation. The Tribunal notes in this respect that the impugned decision expressly stated that it had been taken by the Appointments Board after considering the appellant's appraisal reports for the probationary period, reports which the appellant was given the opportunity to comment on in accordance with Article 20, paragraph 4, of the Regulations on Appointments. The detailed observations which the appellant made both at the appraisal stage and in relation to the Appointments Board's recommendation show that she was aware of the context in which the impugned decision was taken and of its scope. The Tribunal further observes that, on 31 July 2020, the appellant received a copy of the minutes of the Appointments Board meeting at which the recommendation not to renew her appointment was made. That information thus served to further enlighten the appellant as to the reasons why her appointment was terminated, and was provided in sufficient time to enable her to make her case in the present appeal.

52. It follows from the foregoing that the argument put forward by the appellant to establish that there was a breach of the obligation to provide reasons because of the lack of information given must be rejected.

2. *Unjustified and improper nature of the impugned decision*

53. The Tribunal observes that it is clear from the documents in the file that there was effectively a problem with the appellant's performance and a discrepancy between the results she was able to achieve at work and those which could reasonably be expected of her in the light of the requirements of her post. Thus, the appellant's first appraisal report indicated that her translations fell short of what was required both quantitatively and qualitatively and that significant efforts were expected from her in order to improve her performance. Similarly, the appellant's second appraisal report found that she had again failed to meet the objectives set. In neither instance did the appellant deny that she had failed to achieve the quantitative objectives set for her, even though, in the case of her second appraisal report, she attributed that failure to the fact that the level required was too high. The Tribunal further notes that of the six translators newly recruited by the department, the appellant was the only one not to have achieved the objectives set.

54. The Tribunal also considers that there is nothing in the case file to show that the appellant's performance difficulties can be attributed to the conditions in which she was called upon to carry out her work, or to malicious conduct on the part of her hierarchical superiors who, she submits, jeopardised her employment and exposed her to harassment. The Tribunal accepts that the working climate in the appellant's department was tense and that management failings may have contributed to the deterioration in the working environment. The Tribunal does not, however, accept that the appellant’s hierarchical superiors deliberately caused a deterioration in the working climate and targeted the appellant in particular. On this point, the Tribunal arrives at the same conclusion as the Commission against Harassment and considers that the appellant's hierarchical superiors cannot be held responsible for her performance difficulties and that their actions do not amount to harassment.

55. In those circumstances, the Tribunal considers that the Appointments Board's recommendation to terminate the appellant's appointment, without extending her probationary period, was justified insofar as it was based on proven performance difficulties and that the Registrar of the Tribunal did not commit any manifest error of assessment in deciding to rely on that recommendation to terminate the appellant’s employment. In the absence of such an error of assessment and since it is not for the Tribunal to substitute its own assessment for that of the Organisation, the Tribunal concludes that the appellant's complaint that the impugned decision was unjustified and improper must be dismissed as unfounded.

3. *Organisation’s breach of its duty of care*

56. The Tribunal acknowledges that the general situation in the appellant's department was difficult and that the level of expectations placed on new entrants was particularly high. It also accepts that the appellant’s superiors were quite demanding in the way they treated her and that some extra attention could have been accorded her given her difficulties in coping with pressure.

57. The Tribunal also considers, however, that it is clear from the material in the file that, contrary to the appellant's allegations, the Organisation made significant efforts to guide and support her when she was working and subsequently, when she was off sick, to enable her to return to work. Practical suggestions were considered with a view to facilitating her return, including assigning her a different supervisor. The appellant, however, persisted in requesting a transfer and the suggestions made could not be implemented on account of her prolonged absence. The Tribunal notes in this regard that it is generally recognised that international civil servants do not have any right to a transfer, a fortiori when they are on probation.

58. The Tribunal wishes to point out that, during the probationary period, it is primarily for the staff member to demonstrate that he or she possesses the skills, qualities and abilities required to meet the demands of the post, and that the Organisation cannot be expected to make up for the staff member's poor performance as part of its duty of care. In the present case, the Tribunal notes that not only was there a problem with the appellant's performance, but the Organisation's attempts to put the appellant in a position to remedy it were rendered futile by the appellant's unconstructive attitude. On this point, the Tribunal agrees with the Commission against Harassment that the appellant was partly responsible for the conflictual situation in which she found herself vis-à-vis her hierarchical superiors.

59. In the light of the foregoing, the Tribunal concludes that the appellant has not shown that the Organisation failed in its duty of care. The appellant's ground of appeal alleging such a failure must therefore be dismissed as unfounded, as must the claims for annulment in toto.

60. Lastly, as regards the claims for damages submitted by the appellant, the Tribunal observes that where the damage relied on by an appellant originates in the adoption of a decision which is the subject of claims for annulment, as is the case here, the rejection of those claims for annulment entails, in principle, the rejection of the claims for damages, since the latter are closely connected.

61. In the instant case, since the appellant's claims for annulment were rejected as a whole, the claims for compensation and the appeal must be rejected in their entirety.

III. CONCLUSION

62. It follows from the foregoing that the appeal is unfounded and must be dismissed.

For these reasons,

The Administrative Tribunal:

- Dismisses the Secretary General's argument that the appeal is partially inadmissible;
- Declares the appeal to be unfounded and dismisses it;
- Orders that each party shall bear its own costs.

Adopted by the Tribunal by videoconference on 18 October 2021 and delivered in writing in accordance with Rule 35, paragraph 1, of the Tribunal's Rules of Procedure on 21 October 2021, the French text being authentic.

The Registrar of the Administrative Tribunal	The Chair of the Administrative Tribunal
Christina OLSEN	Nina VAJIĆ