

**DECISION OF THE PANEL OF ADJUDICATORS OF THE OSCE WITH
REGARD TO THE EXTERNAL APPEAL BY [REDACTED]
(Case No: OSCE PoA 5/2025)**

Proceedings

1. On 7 July 2025, the Chairperson of the Panel of Adjudicators (PoA) of the Organization for Security and Co-operation in Europe (OSCE) received a letter from the Chairperson of the Permanent Council of the OSCE transmitting an external appeal by [REDACTED] (Applicant) which the former had received on 26 May 2025.
2. On 8 July 2025, the Chairperson of the Panel, through the Executive Secretary of the Panel, informed the Secretary General of the OSCE (Respondent) and the Applicant on 8 July 2025 of the constitution of the Panel and asked the Respondent to submit a response to the Panel as per Article 5 of the Rules of Procedure of the Panel no later than 7 August 2025. The Respondent submitted a response on 5 August 2025, and the Applicant was advised of [REDACTED] right to reply. [REDACTED] reply of 26 August 2025 was transmitted to the Respondent for information.
3. In accordance with Article VI of the Terms of Reference of the Panel (ToR), Appendix 2 to the Staff Regulations and Staff Rules (SRSR), the Chairperson of the Panel convened the Panel from 11 to 12 December 2025 at the Hofburg premises in Vienna to examine the appeal. The Panel was composed of its Chairperson, Mr. Thomas Laker, and its members, Ms. Anna Csorba, and Ms. Joan Powers.
4. After examining all the documents submitted to it, the Panel noted that the Applicant is alleging that [REDACTED] former supervisor engaged in workplace harassment and abuse of authority within the meaning of SI 21. Further, [REDACTED] asks the Panel to recommend that [REDACTED] reporting lines be restructured, appropriate remedial measures be taken, and the OSCE take steps to ensure a more appropriate handling of similar complaints.

Summary of facts

5. The Applicant is a staff member of the [REDACTED], serving as a [REDACTED] since [REDACTED], having worked for the OSCE in other functions since [REDACTED].
6. On 15 September 2023, the [REDACTED] informed the [REDACTED] of the Applicant's appointment to [REDACTED] present position. [REDACTED] had previously been overseeing an [REDACTED] while in a different position.
7. On 3 October 2023, the [REDACTED], who was the Applicant's first-level supervisor (Alleged Offender), sent an email welcoming the Applicant back to [REDACTED]. [REDACTED] also asked the Applicant to move from [REDACTED] office on the [REDACTED] [REDACTED] to an office on the [REDACTED] [REDACTED], where the previous incumbent of [REDACTED] position had worked.
8. On 4 October 2023, the Alleged Offender designated another staff member who was responsible for the [REDACTED] portfolio to attend an [REDACTED] conference. The Applicant claimed that [REDACTED] had previously been selected by the former [REDACTED] [REDACTED] to attend this conference.
9. The next day, the Applicant encountered the Alleged Offender in a café. According to [REDACTED] description, [REDACTED] was "subjected ... to a tirade of questions about the ...conference delivered in a raised voice."
10. As from [REDACTED] 2024, the Alleged Offender became [REDACTED]. According to the Applicant, [REDACTED] inappropriately inquired about [REDACTED] medical condition in connection with [REDACTED] request to telework from home on an exceptional basis for medical reasons.
11. Furthermore, during the month of February 2024, according to the Applicant, the Alleged Offender prevented [REDACTED] from being interviewed by a [REDACTED] conducting research at the OSCE, and also criticized/ reprimanded [REDACTED] on several occasions.

12. On 2 August 2024, the Applicant submitted a formal complaint, alleging harassment and abuse of power within the meaning of Staff Instruction 21/Rev.2 on 'Professional Working Environment' (SI 21).
13. The Alleged Offender was made aware of the allegations and invited to provide ■ comments, which ■ did in a detailed statement. ■ rejected all of the Applicant's accusations and suggested that an account of the 5 October 2023 incident be obtained from an eyewitness from the OSCE who had been present when the encounter occurred.
14. On 24 September 2024, the Applicant was notified that the allegations ■ had raised fell outside the scope of SI 21. This is the impugned decision.
15. On 23 October 2024, the Applicant submitted a request for internal review. On 25 October 2024, an Internal Review Board (IRB) was established to consider ■ request.
16. On 27 November 2024, the IRB received the Respondent's reply. The IRB received a written statement of the eyewitness, dated 10 February 2025. On 25 February 2025, the IRB rendered its final report containing its findings and recommending the rejection of the Applicant's request. On 27 February 2025, the ■ accepted this recommendation and informed the Applicant accordingly.
17. On 26 April 2025, the Applicant filed the present request for external review.

Contentions of the parties

18. The Applicant's major arguments are:
 - Considering the presented evidence, SI 21 was misapplied;
 - The Alleged Offender's pattern of behaviour amount to misconduct;

- The IRB committed procedural irregularities;
- Incidents after August 2024 confirm and aggravate the concerns raised.

19. The Respondent's major arguments are:

- The impugned decision was made in accordance with SI 21;
- The Applicant did not meet ■■■ burden of proof regarding ■■■ allegations;
- The IRB followed the rules.

Considerations

Scope of review

20. At the outset, the Panel reiterates that the Applicant's complaint of 2 August 2024 deals with incidents up to this date. Accordingly, the contested decision is limited to these incidents. Later incidents, as described in the Applicant's reply of 26 August 2025, cannot be considered in the present external review (cf. decision of 3 July 2024, OSCE PoA 1/2024, para. 30).

Applicable law

21. As provided in paragraph 3.3 of SI 21, "[t]he mere expression of disagreement, admonishment, criticism or similar action regarding work performance, conduct, or any such related issues within a supervisory relationship, where communicated appropriately, shall not normally be considered a violation of this Staff Instruction. Such work-related disagreements shall normally fall under the provisions of Staff Instruction 15 on Performance Management in the OSCE".

22. As provided in paragraph 9.14 of SI 21, "...normally not later than 20 days following the alleged offender's response, the Secretary General or the respective head of

institution/mission, in consultation with the Secretary General for international staff/mission members shall complete a preliminary assessment to decide whether the allegations (a) ...; (b) ...; (c) Are *prima facie* unsubstantiated; (d) Fall outside the scope of application of this Staff Instruction.”

23. According to the principles of SI 21, “[w]hile considering the perspective of the complainant is an essential part of the assessment of alleged violations, ... the OSCE applies a reasonableness test ...” (paragraph 6.6).

Merits of the Applicant's request

24. The Panel takes note of various incidents initially mentioned by the Applicant in [REDACTED] complaint and will address them in turn.
25. First, in the view of the Panel, the Alleged Offender’s decision of 4 October 2023 to designate a different person than the Applicant to attend an [REDACTED] conference is a work-related issue within a supervisory relationship that does not fall within the scope of SI 21 (see above para. 21). Furthermore, the said decision does not constitute an “abuse of authority”, since the designated staff member had held the respective [REDACTED] portfolio since 2020, whereas the Applicant had been transferred to a position with different responsibilities.
26. Second, regarding the next day’s encounter between the Applicant and the Alleged Offender in a public café, the Panel notes that there is no sufficient evidence supporting the Applicant’s allegations that [REDACTED] was “subjected ...to a tirade of questions ... in a raised voice”. In fact, according to the eyewitness’s written statement, it was the Applicant who raised [REDACTED] voice, whereas the Alleged Offender “tried to calm the situation down” and reacted “calmly” to the Applicant’s accusations. The Panel notes that the Applicant - even in [REDACTED] present request for external review - failed to present any other evidence, although [REDACTED] bears the burden of proof for [REDACTED] allegations. In this respect, the Panel finds it insufficient to merely raise doubts about the witness’s credibility, based on suspicions about a close relationship between the Alleged Offender and the witness. The Panel rejects the

Applicant's view that the IRB "was obliged to seek readily available witnesses and give [] an opportunity to be heard".

27. Third, neither the documents submitted by the Applicant nor other evidence support [] allegation that the Alleged Offender intended to belittle [] or to cast doubt on [] performance and professional integrity, or deliberately excluded [] from an email chain. The same applies to the allegations that the Alleged Offender assigned unnecessary tasks and/or issued contradictory directives to []. It is the Panel's considered view that all incidents mentioned in this respect concerned work-related issues that fall outside the scope of SI 21. Also, there is no evidence that the tone used in these communications was inappropriate within the meaning of paragraph 3.3.
28. Fourth, the Panel did not find any evidence with respect to the Applicant's allegation that the Alleged Offender was seeking privileged medical information about []. [] inquiries to an official in HR were consistent with [] administrative responsibilities with respect to the Applicant's request for exceptional teleworking from home for medical reasons.
29. The record before the Panel indicates that the working relation between the Applicant and the Alleged Offender deteriorated over the course of their working relationship. However, work-related disagreements or conflicts between a staff member and her or his supervisor are not *ipso facto* tantamount to inappropriate behaviour within the meaning of SI 21. Indeed, SI 21 paragraph 3.3 makes clear that the mere expression of disagreement or criticism regarding work performance or conduct within a supervisory relationship, where communicated properly, fall outside the scope of the policy.
30. The Panel therefore concludes that the Application should be rejected in its entirety, and that the Applicant's requests for relief should be denied.
31. Finally, the Panel emphasizes that its powers are limited to a review of administrative decisions, as provided for in Staff Regulations 10.01 (a) and 10.02 (a). Therefore, it has no competence to give other recommendations as requested by the Applicant.

Conclusion

The Application is hereby dismissed, and the Applicant's requested relief is denied.

Done in Vienna on 12 December 2025



Thomas Laker
Chairperson



Anna Csorba
Member



Joan Powers
Member