

**DECISION OF THE PANEL OF ADJUDICATORS OF THE OSCE WITH
REGARD TO THE EXTERNAL APPEAL BY [REDACTED]**

(Case No: OSCE PoA 2/2026)

Proceedings

1. On 13 February 2026, the Chairperson of the Panel of Adjudicators (Panel) 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 5 January 2026.
2. On the same day, the Chairperson of the Panel, through the Executive Secretary of the Panel, informed the Secretary General of the OSCE (Respondent) and the Applicant on 13 February 2026 of the constitution of the Panel and asked the Respondent to forward a response to the Panel as per Article 5 of the Rules of Procedure of the Panel to reach the Panel no later than 16 March 2026. The Respondent forwarded a response on 16 March 2026, and the Applicant was advised that [REDACTED] had a right to reply. [REDACTED] reply of 6 April 2026 was transmitted to the Respondent for information.
3. In accordance with Article VI of the Terms of Reference of the Panel, Appendix 2 to the Staff Regulations and Staff Rules, the Chairperson of the Panel convened the Panel from 10 to 11 June 2026 at the Hofburg premises at Vienna to examine the appeal. The Panel was composed of its Chairperson, Mr. Thomas Laker, and its members Ms. Anna Csorba, and Mr. Marcus Joyce.
4. After examining all of the documents submitted to it, the Panel noted that the Applicant requests that an investigation be undertaken into [REDACTED] allegations of misconduct against [REDACTED].

Summary of facts

5. At the material time, the Applicant was [REDACTED]
[REDACTED]. [REDACTED] has held this position since [REDACTED].
6. On 12 March 2024, [REDACTED] informed the Applicant that [REDACTED] was considering structural changes to [REDACTED].
7. In March 2024, [REDACTED] promulgated a new Standard Operating Procedure (SOP) on [REDACTED].
8. On 28 May 2024, a [REDACTED] Town Hall meeting took place which was chaired by [REDACTED]. During that meeting, in response to a query from [REDACTED] regarding recruitment, [REDACTED] referred to the applicants for a particular position as [REDACTED]. The applicants for the position included serving staff [REDACTED].
9. On 2 July 2024, [REDACTED] emailed the Applicant requesting [REDACTED] to sign a post action form which proposed the abolition of several posts, including the Applicant's own post. The Applicant refused to sign the post action form.
10. On 13 November 2024, the Applicant submitted a complaint (Complaint) of harassment and abuse of authority under Staff Instruction No. 21/Rev. 2 Professional Working Environment (SI 21) against [REDACTED] based on the above referenced restructuring exercise in addition to other allegations.
11. On 16 December 2024, [REDACTED] notified [REDACTED]
[REDACTED] of the Complaint and invited [REDACTED] to respond.
12. On 17 January 2025, following a period of extension, [REDACTED] submitted [REDACTED] response to the Complaint.
13. On 28 February 2025, the Administration notified the Applicant that [REDACTED] assignment would not be extended beyond its scheduled expiry date of [REDACTED].

14. On 13 March 2025, [REDACTED] informed the Applicant that the Complaint fell outside of the scope of SI 21 (Impugned Decision).
15. On 7 April 2025, the Applicant submitted a request for internal review of the Impugned Decision to the Internal Review Board (IRB).
16. On 10 October 2025, the IRB issued its report (Report) in which it determined that the Impugned Decision had been taken in accordance with SI 21 and was a proper exercise of discretion.
17. On 6 November 2025, having considered the Report, the Secretary-General upheld the Impugned Decision and on the same date the Applicant was so informed.

Contentions of the parties

18. The Applicant's principal arguments are:

- The Impugned Decision was in error in determining that the Complaint fell outside the scope of SI 21;
- The Impugned Decision was arbitrary given the reference within it to “(...) concerns about the communication and leadership approach within [REDACTED]” and the recommendation that [REDACTED] be subject to managerial support measures;
- [REDACTED] was in breach of Staff Instruction 30 Human Resources Procedures for Organizational Restructuring (SI 30) governing department restructuring, which also amounts to *prima facie* evidence of harassment and abuse of authority; and
- In all the circumstances, there was sufficient evidence to initiate an investigation into the Complaint and the failure to do so was *ultra vires*.

19. The Respondent's principal arguments are:

- The Impugned Decision was made in accordance with the procedural requirements of SI 21;
- The Impugned Decision was the result of a proper exercise of the Secretary-General's discretionary authority under SI 21;
- That the allegations which form the Applicant's Complaint were not such that they should have been investigated under SI 21. The recommendation of managerial support measures is not inconsistent with the Impugned Decision;
- That the Applicant's allegations as to breaches of SI 30 are not capable of assessment within the present application. Those alleged breaches occurred after the Impugned Decision was issued and are the subject of a separate appeal by the same Applicant.

Considerations

20. The Panel considers that there are four distinct sets of allegations within the Applicant's Complaint as follows: (i) the allegations that the restructuring exercise amounts to an abuse of authority and harassment ("Restructuring Allegations"); (ii) the allegation that [REDACTED] comment at a town hall meeting that applicants for a recruitment exercise were [REDACTED] constituted harassment ("Town Hall Allegation"); (iii) the alleged interventions of [REDACTED] in recruitment processes ("Recruitment Interventions Allegations"); and (iv) the adoption by [REDACTED] of the SOP ("SOP Allegations"). The Panel considers each of these sets of allegations separately, taking account of the parties' contentions.

21. At the outset, the Panel considers that the organizational imperative to investigate cogent allegations of misconduct must always be balanced with the need to exercise the power to initiate an investigation in a careful and judicious manner. A breach of internal rules or procedures will not automatically lead to the initiation of an investigation of allegations of misconduct.

The Restructuring Allegations

22. It is recalled that, pursuant to paragraph 3.3 of SI 21 “the 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” (emphasis added).
23. The Panel leaves open the question of whether the Restructuring Allegations fall under the category of “any such related issues”.
24. Even if the Restructuring Allegations would potentially fall within the scope of SI 21 as either abuse of authority or harassment, the Panel considers that, based on the nature of the allegations and the evidence provided, they are *prima facie* unsubstantiated.
25. The Panel recalls that paragraph 6.6 of SI 21 provides that “while considering the perspective of the complainant is an essential part of the assessment of alleged violations, assessment of whether behaviour is appropriate is not purely subjective. *When assessing complaints, the OSCE applies a reasonableness test (...)*” (emphasis added).
26. While the Applicant contends that the restructuring exercise included breaches of Staff Instruction 30 on Human Resources Procedures for Organizational Restructuring (SI 30), in the Panel’s view, and having regard to paragraph 6.6 of SI 21, even if proven such breaches do not, *prima facie*, constitute harassment or abuse of authority.
27. Similarly, the Applicant’s contention that [REDACTED] omitted to consult [REDACTED] as to abolition of [REDACTED] post is, in the Panel’s view, insufficient to amount to harassment in light of paragraph 6.6 of SI 21. Regarding the Applicant’s claim that [REDACTED] engaged in abuse of authority by deliberately targeting [REDACTED] post for abolition, the available evidence is insufficient to amount to *prima facie* evidence of such abuse of authority. In this regard, the Panel notes that the restructuring exercise affected, not only the Applicant, but the entire [REDACTED]. Therefore, and in any event, the Panel concludes that this allegation is *prima facie* unsubstantiated pursuant to paragraph 9.14 (c) of SI 21.

28. It follows from the above, that the Applicant's Complaint of abuse of authority and harassment regarding the Restructuring Allegations, and leaving open the issue of whether they were within the scope of SI 21, was closed without error.

The Town Hall Allegation

29. The Panel considers that the Town Hall Allegation, namely the use of the term [REDACTED] by [REDACTED] in respect of applicants for a selection process does in principle fall within the scope of SI 21. This is because it was, by the Respondent's own admission within the Impugned Decision, an "insensitive" remark. The Panel also considers that the use of the term [REDACTED] has a potentially negative connotation. Furthermore, [REDACTED] recommendation that [REDACTED] receive "managerial coaching or other support measures" contradicts the conclusion that this allegation fell outside of the scope of SI 21. It follows that the conclusion that the Town Hall Allegation fell outside the scope of SI 21 was in error.
30. However, the Panel considers that, although this allegation falls within the scope of SI 21, the allegation is *prima facie* unsubstantiated, pursuant to paragraph 9.14 (c) of SI 21. Considering the "reasonableness test" in paragraph 6.6 of SI 21, and while acknowledging the potentially negative connotation of the comment [REDACTED], the Panel finds that the reasonable observer would not conclude that the use of the term would cause offence or humiliation to another, nor would it create an intimidating, hostile or offensive working environment.
31. In arriving at this conclusion, and while noting paragraph 6.4 of SI 21, which provides that although misconduct typically involves a pattern of behaviour it can result from a single incident, the Panel notes that this was a single comment and did not form part of a broader pattern.
32. It follows from the above that while the Panel considers that the Impugned Decision was in error as to the basis on which this aspect of the Complaint was closed, the decision to close the matter was overall without error.

The Recruitment Interventions Allegations and SOP Allegations

33. As to the Recruitment Interventions Allegations, in the Complaint the Applicant [REDACTED] accepts that [REDACTED] is “(...) aware that such interventions constitute a discretionary power of [REDACTED]”. Considering this admission by the Applicant, and recalling paragraph 6.6 of SI 21, the Panel can only conclude that the determination that these allegations are outside the scope of SI 21 is without error.

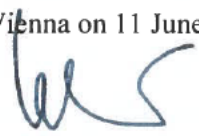
34. As to the SOP Allegations, the Complaint is based on an assertion by the Applicant that the SOP “(...) increases the administrative burden (...)” which in “(...) [REDACTED] assessment [means that] the net effect of the promulgation of the SOP has been negative in relation to both operations and morale”.

35. The Panel considers that there is nothing within this allegation that describes any form of prohibited conduct contained within SI 21. Consequently, the Panel considers that the conclusion within the Impugned Decision that these conclusions fall outside of the scope of SI 21 is also without error.

Conclusion

36. The Appeal is rejected in its entirety.

Done in Vienna on 11 June 2026.



Thomas Laker
Chairperson



Anna Csorba
Member



Marcus Joyce
Member