

Summary of EB v. IBRD, Decision No. 563 [2017]

The Applicant challenged the Bank's decision not to hire her for the position of Program Assistant, level GC, to which she was initially selected for by the Hiring Manager based on the recommendation of the interview panel and reference checks. The Applicant contended that the intervention of the Hiring Manager's Director in the hiring decision for the Program Assistant position was an abuse of discretion.

According to the Bank, a mixed reference given by one of the reference providers justified the Director's assessment that the Applicant was an "unnecessary risk."

The Tribunal reviewed the assessment, finding that it did not conform with the Applicant's 20 years' record of consistent good performance, the interview panel's recommendation that she fit the position criteria best out of the candidate pool, and the Hiring Manager's discretion of selecting the Applicant for the position after having checked her references. The Tribunal noted a lack of contemporaneous documentation to show why the interview panel's recommendation was not followed and noted that the Director declined to interview the Applicant or personally call her references before deciding she was an "unnecessary risk."

The Tribunal concluded that the Director's assessment that the Applicant was an "unnecessary risk" has no reasonable and observable basis and as such the Tribunal cannot sustain the Bank's decision not to hire the Applicant.

Decision: The non-selection decision is rescinded. The Bank shall reinstate the Applicant to a GC-level Program Assistant position or similar, or failing that, the Bank shall pay the Applicant for damages resulting from the non-selection decision, in an amount equivalent to three years' net salary based on last regular salary drawn. The Bank shall also contribute to the Applicant's legal fees and costs.