

## Summary of CO Nos. 1 &2 v. IBRD, Decision No. 504 [2015]

The Applicant, a Senior Development Specialist, Level GG, and an expert in Disaster Risk Management (DRM), applied to three positions advertised between October 2012 and January 2013 for staff with DRM experience, in the Europe and Central Asia Region (ECA), Africa Region (AFR) and Latin America and Caribbean Region (LAC). The Applicant was not shortlisted for the LAC position. She was not selected to the two other positions in ECA and AFR, even though after the interview process she was found to be the best and the second best candidate respectively. The Applicant filed two Applications with the Tribunal which were consolidated. She challenged: (i) the Bank's decision not to shortlist her for Lead Disaster Risk Management Specialist, Level GH, in LAC, Vacancy No. 130160; (ii) her non-selection to the Lead Disaster Risk Management Specialist position, Level GH, in AFR, Vacancy No. 123059; and (iii) her non-selection to the Senior Disaster Risk Management Specialist position, Level GG, ECA, Vacancy No. 122383. The Bank raised a preliminary objection with regard to the decision not to shortlist the Applicant for the position in the LAC Region, stating that she had not exhausted internal remedies in a timely manner with regard to such claim.

Regarding the preliminary objection, the Tribunal found that the Applicant had not proven (i) that the ties between her three cases were as strong as she claimed they were or (ii) that the circumstances which she claimed put her on notice of the disputed employment matter regarding her non-shortlisting, and allegedly triggered the time limit to file a request of review of the non-shortlisting decision, existed. Therefore the Tribunal found that the Applicant did not exhaust internal remedies in a timely manner with regard to her claim not to shortlist her for the LAC position.

In its review of the merits, the Tribunal found regarding the Applicant's non-selection to both positions that (i) according to the Bank's legal framework, a strategic reassignment (or managed transfer or rotation) is normally considered first and, then, if eligible staff are not reassigned to vacant positions, these positions are advertised to be filled through a selection process; (ii) the process of clustered recruitment was followed in this case and the positions were advertised first but even though this process produced successful viable candidates, the positions were filled through managed transfer; (iii) hiring managers may abandon the selection processes and resort to the managed transfer rotation, but only in a transparent manner and only after each process is

This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: [www.worldbank.org/tribunal](http://www.worldbank.org/tribunal)

completed; (iv) in the current case, abandoning the selection process in the ECA and AFR positions, without publicizing the completion of one process and whether or not it had led to a successful result, and switching to managed transfer compromised the principle of transparency in the recruitment process; and (v) the Applicant was treated unfairly as she had dedicated time and effort in preparing for that process, was recommended as the best and the second best candidate respectively in both vacancies on account of her qualifications and her extensive expertise in the DRM field to be later bypassed by staff members who had not applied for consideration to the advertised positions. However, based on the record before it, the Tribunal was unable to sustain the Applicant's claim that her non-selection was based on discriminatory grounds or was otherwise improperly motivated. The Tribunal awarded compensation in the amount of four months' net salary for the lack of transparency in the process and the resulting unfair treatment of the Applicant and also awarded the Applicant her attorney's fees in the amount \$22,690.34.