

Summary of GS v. IBRD, (Merits) Decision No. 679 [2022]

In 2020, Human Resources (HR) posted two requisitions in Compass (Req5537 and Req7260) for Regional Safeguard Coordinator (RSC) positions. Req5537 was posted on 3 January 2020 with a vacancy closing date of 31 January 2020. It advertised for RSCs for Africa, East Asia and Pacific, Europe and Central Asia, and Latin America and the Caribbean (LCR). The Applicant did not apply to Req5537. On 8 May 2020, Req7260 was posted and the Applicant applied for the two positions advertised therein for RSC for West Africa and LCR. On 9 June 2020, HR advised the Applicant that Req7260 had been cancelled. The Bank's recruitment under Req5537 included the hiring of a "target-sourced candidate," Ms. A, who applied on 8 May 2020, for the RSC for LCR position and the hiring of an RSC for West Africa, a position which the Applicant contended was never publicly advertised through Req5537.

The Applicant challenged before the Tribunal the decision to award the RSC positions for which she applied "to candidates who did not apply for those positions without giving any consideration to [the Applicant's] candidacy." She claimed she was denied a fair opportunity to compete for the positions advertised in Req7260 and that there was an overall lack of transparency and objectivity in the Bank's recruitment. The Bank responded that there was a reasonable and observable basis for its decision to cancel Req7260 because it was a "backup" requisition, and the Bank was able to fill the positions through Req5537. The Bank further contended that its decision to cancel Req7260 observed a fair and reasonable procedure.

With respect to the West Africa position, the Tribunal found that the Bank's failure to indicate in the Req7260 vacancy posting that it was a "backup" as well as the Bank's decision to include the West Africa position under Req5537 after the closing date for that requisition were inconsistent with the principle of transparency. The Tribunal further found that the Bank denied the Applicant a fair opportunity to compete for the West Africa position.

With respect to the LCR position, the Tribunal again found that the Bank's failure to indicate the "backup" nature of Req7260 was inconsistent with the principle of transparency. The Tribunal examined the target-sourcing of Ms. A and noted that the Bank stated it has no policy on target-sourcing. The Tribunal stated that it "considers that the importance of proper documentation is heightened in the absence of formal Bank policy so as to ensure that staff members can be confident that the recruitment process was fair, transparent, and impartial." Further, the Tribunal found that "the manner in which the target-sourcing was conducted [...] was such as to deprive the Applicant of a fair opportunity to compete." Additionally, the Tribunal noted that the Bank offered no explanation of its decision not to target-source the Applicant and took note that the Applicant stated that she is from a Part II country. In the Tribunal's view, there were substantive flaws in the recruitment process and the Tribunal stated that "the justification of the selection of the single target-sourced candidate under Requisition No. 5537 by reference to a previously unstated language requirement, combined with the Applicant's background, lend themselves to an adverse inference against the Bank."

Decision: The Bank was ordered to pay the Applicant compensation in the amount of one and a half years' salary net of taxes in addition to the Applicant's legal fees and costs. All other claims were dismissed.

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.