

Summary of GS v. IBRD (Preliminary Objection), Decision No. 672 [2022]

The Applicant challenged the Bank's failure to consider her for Regional Safeguard Coordinator (RSC) positions for West Africa and Latin America and the Caribbean (LCR).

In 2020, Human Resources (HR) posted two requisitions in Compass (Req5537 and Req7260) for various RSC positions. Req5537 was posted on 3 January 2020 with a vacancy closing date of 31 January 2021. It advertised for RSCs for Africa, East Asia and Pacific, Europe and Central Asia, and LCR. The Applicant did not apply. The recruitment under Req5537 included the hiring of a "target-sourced candidate" who was sent the Req5537 application link after the vacancy had apparently closed, as well as the hiring of an RSC for East Africa, a position which the Applicant contended was never publicly advertised through Req5537. On 8 May 2020, Req7260 was posted and the Applicant applied for the two positions advertised therein for RSC for West Africa and for LCR. On 9 June 2020, the Applicant was advised by HR that Req7260 had been cancelled.

On 6 October 2020, the Applicant filed a Request for Review (RFR) with Peer Review Services (PRS) claiming, "The process for awarding the positions of [Req]7260 was arbitrary, unjustified, and characterized by an abuse of managerial discretion." The PRS Panel recommended that the RFR be dismissed in its entirety and that the requests for relief be denied. The Vice President, Sustainable Development accepted the PRS recommendation.

The Applicant challenged before the Tribunal the decision to award the positions for which she applied "to candidates who did not apply for those positions without giving any consideration to [the Applicant's] candidacy." The Bank filed preliminary objections contending that the Applicant failed to state an alleged non-observance of her contract of employment or terms of appointment and failed to exhaust internal remedies in a timely manner.

The Tribunal examined its jurisdiction pursuant to Article II of its Statute. With respect to Req5537, the Tribunal drew on the jurisprudence of the ILOAT and the UNDT, and found that "an applicant must submit to the selection process in order to subsequently challenge that selection process, unless the applicant can show that he or she has been prevented from submitting to the selection process through no fault of his or her own." The Tribunal found that, with respect to Req5537, the record did not indicate that the Applicant had been prevented from applying, and the Tribunal held that claims challenging Req5537 are outside of its jurisdiction.

With respect to Req7260, the Tribunal noted that the Applicant applied to this requisition and noted that, "contrary to the Bank's submission that Requisition Nos. 5537 and 7260 were two separate processes, the record convincingly indicates that the processes were very much connected with respect to the two Regional Safeguard Coordinator positions in question." The Tribunal held that it had jurisdiction over claims relating to Req7260 and over claims concerning Bank actions under Req5537 which significantly impacted Req7260 and affected the Applicant's rights thereunder. The Tribunal was satisfied that the Applicant had timely exhausted internal remedies before PRS.

Decision: The Bank's preliminary objections with respect to Req5537 were upheld, and all other preliminary objections 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.