

Summary of HL v. IFC, Decision No. 702 [2024]

The Applicant, in connection with her non-selection for a Human Resources (HR) Analyst position (Requisition No. 17459) at the IFC, challenges (i) the IFC's application of the HR Analyst Tests Administration Policy (HATA Policy) on the grounds that it was applied retroactively, and (ii) the exemption of candidates from taking the HR Analyst test on the grounds that the exemption lacked any fixed procedure, objective criteria, or records for determining which candidates to exempt.

The Tribunal first considered whether the IFC's application of the HATA policy was retroactive in nature. The Tribunal noted that the parties did not dispute that the HATA Policy was published and communicated to staff in December 2022. The Tribunal observed, though, that, contrary to the Applicant's contention that the HATA Policy was only applied "from time to time," the record indicated that the practice of exempting eligible candidates from the HR Analyst test had been applied consistently within IFC HR since at least Fiscal Year 2019, which was around the time that a real need for this practice arose. The Tribunal thus found that there was an established practice in IFC HR of exempting eligible candidates from taking the HR Analyst test and that the IFC's application of the HATA Policy was not retroactive in nature or otherwise impermissible.

The Tribunal next considered whether the IFC employed a fair and reasonable procedure in granting exemptions to two Extended Term Consultants (ETCs) who were also candidates being considered for Requisition No. 17459. The Tribunal first noted that analytical support was a key function of the prior roles of the two ETCs and was therefore satisfied that both ETCs qualified for an exemption from taking the HR Analyst test under the HATA Policy through having a "work program involving analytical support." The Tribunal further found that the earlier test taken by the two ETCs was in line with the requirements set out in the HATA Policy and was comparable to the test taken by the Applicant. Overall, the Tribunal was satisfied that the IFC employed a fair and reasonable procedure in granting exemptions to the two ETCs from taking the HR Analyst test.

The Tribunal noted that the Applicant submitted her Application on the basis of two main claims: "[i] the retroactive application of the HATA Policy, which gave preference to two ETCs during competitive selection; and [(ii)] the lack of any fixed procedure, objective criteria or records for determining which candidates were exempt from the HR Analyst test." The Tribunal rejected both claims. Therefore, the Tribunal found that there was no basis to award any compensation to the Applicant in this matter.

Decision: The Application was dismissed.