

Summary of ET v. IBRD, Decision No. 592 [2018]

The Applicant challenged his non-selection for a Country Manager (CM) position due to discrimination and his non-selection for four Lead Financial Sector Specialist positions due to retaliation.

During the CM selection process, the Applicant and a female candidate were recommended by the Interview Panel to be interviewed by the Regional Vice President. Following these interviews, the Regional Vice President instructed the Hiring Manager to search for additional candidates but limited the search to female candidates. The selection criteria were also changed to attract more female candidates. Two candidates from the original longlist and a female candidate, who had been contacted by the Hiring Manager to apply for the position during the expanded search period, were added to the shortlist. The two candidates from the original longlist withdrew their candidacies, and only the additional female candidate was interviewed by the Interview Panel and the Regional Vice President. The female candidate was ultimately selected for the CM position.

The Tribunal found that the Applicant and the selected female candidate were evenly matched or, at least, that there was “no significant and relevant difference between the candidates.” Therefore, the Tribunal found that the Bank’s preference for the female candidate, in principle, could be an acceptable explanation in light of the Bank’s diversity policy and the region’s diversity scorecard. The Tribunal found that the decision to prefer a female candidate to the Applicant, after evaluating both candidates against the changed selection criteria, was not an improper motivation given the Bank’s focus on achieving gender parity in managerial positions.

The Tribunal observed that none of the candidates were informed either of the changed criteria or the revision of the shortlist in light of the changed criteria. According to the Tribunal, when the Bank decided to look only for female candidates and changed the selection criteria, it denied the Applicant a fair opportunity to compete for the CM position. The Tribunal held that the Bank can legitimately pursue gender parity, particularly in managerial positions, as provided for in the Bank’s regulatory framework. However, it not only should observe the bottom line of making a choice between candidates who are evenly matched in qualifications but also must be transparent in the selection process such that all candidates are evaluated against the same criteria. The Tribunal found that the Bank was not sufficiently transparent in the selection process for the CM position.

Regarding the Applicant’s claim of retaliation, the Tribunal found that the Applicant had not substantiated his claims that any or all of the interview panel members for the four positions knew that he had complained of discrimination. The Tribunal found that the Applicant had not established facts sufficient to amount to a *prima facie* case of retaliation.

Decision: The Bank was ordered to pay the Applicant further compensation in the amount of one year’s salary net of taxes, for the Bank’s lack of transparency in the selection process and failure to give the Applicant a fair opportunity to compete. The Bank was ordered to contribute to the Applicant’s legal fees and costs in the amount of \$45,000.00. All other claims are 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