

Summary of CQ v. IBRD, Decision No. 509 [2015]

The Applicant was a Senior Procurement Specialist in the Latin America and Caribbean Region, Procurement Sector Unit. In July 2013, the Applicant applied to, among other positions, the position of Lead Specialist (Bank Procurement Reform), Level GH, Job No. 131690, in the Operation Risk Management Department (OPSOR) but was not shortlisted. The Applicant filed an Application with the Tribunal challenging, *inter alia*: (i) the decision not to shortlist him for the position in question; and (ii) the subsequent decision of the Shortlisting Committee (SLC) for Job No. 131690 not to begin the selection process anew once the seriousness of an alleged conflict of interest involving the Chair of the SLC, Mr. B, was recognized.

The Tribunal found, among other things, that: (i) the Applicant had not shown that the comparative assessments of candidates lacked support in factual evidence or that the shortlisting of other candidates whom the SLC found even better qualified was an abuse of discretion; (ii) a more appropriate procedure would have been for Mr. B, as the Chair of the SLC, or the SLC as a whole to have consulted the Office of Ethics and Business Conduct on the best way to address the conflict of interest issue; (iii) under the circumstances, the prompt and sustained disclosure of Mr. B as well as Mr. E and Mr. M (SLC members) with Mr. J and Mr. D (shortlisted candidates) addressed the potential issues of conflict of interest; (iv) there was no conclusive evidence that feedback from previous interviews was discussed during the SLC meeting or that breach of confidentiality had been proven; (v) to the extent that the Talent Review discussed performance of staff members, criticism of such, and need for development in certain areas so that staff advance in their careers, Talent Review results should be expected not to contradict the evaluation in the Overall Performance Evaluations of such staff members; (vi) since the issue with the Applicant's communication skills identified in the Talent Review was one of the reasons given for the decision not to shortlist him and as he had never previously been notified of this issue, it should not have been given weight; because it was given weight it affected the legitimacy of one of the grounds for the decision not to shortlist him. The Tribunal, however, found that it was not plausible that the Applicant would have been shortlisted even if the factor of his communication skills had not been taken into account in the decision not to shortlist him as that decision was also based on an even more significant reason – that of the experience in leading the change management agenda, a requirement which the Applicant was found not to have met. For this reason, the Tribunal did

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not set the decision aside but ordered the Bank to pay the Applicant's attorney's fees in an amount of \$20,385.86.

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