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## **Introduction**

1. The Applicant holds a continuing appointment at the P-4 level at the Economic Commission for Africa ( ECA ), where he serves as an Economics Affairs Officer. He is based in Addis Ababa, Ethiopia.

## **Facts and Submissions**

2. The Applicant joined the United Nations in June 2009 at the ECA Sub-regional Office of West Office ( SR /Niamey) at the P-4 level and in August 2011 moved to ECA Headquarters in Addis Ababa through the mobility scheme.

3. On 4 May 2021, the Applicant applied for suspension of action of the Job Opening ( JO ) 13875 for Chief of Section (P-5) of the African Climate Policy Centre ( ACPC ) within the Technology, Climate Change and Natural Resource Management Division ( TCND ) and re-advertise it as JO 15016.

4. The Applicant alleges that the decision of the Administration is unlawful as it discriminates against male candidates beyond the permissible limits of the staff rules and regulations, and ST/AI/2020/5 (Temporary special measures for the achievement of gender parity) and furthermore the decision is not founded on sound reasons and is arbitrary.

5. The Applicant claims that the decision will cause him irreparable harm as he will lose the rare opportunity existing in his organisation for movement to a higher grade as well as getting rostered. The Applicant also considers the matter to be urgent since the applications for the advertised post will be received up to 31 May 2021 and the recruitment exercise will progress even before the results of his management evaluation request are due.

6. On 5 August 2020, ECA advertised an opening for a P-5 position of Chief of Section as JO 13875. The Applicant applied for the position on 17 September 2020.

7. The Applicant participated in the assessment process which was in the form of a competency based interview.



and fair consideration, that discrimination and bias are absent, proper procedures have been followed and all relevant material has been taken into consideration.

17. The Applicant questioned whether sound reasons were shown for the cancellation of the recruitment process or whether there were extraneous factors influencing the decision being that no female candidate had been recommended in the final list.

18. The Applicant was of the firm view that the Secretary-General memorandum on gender parity does not give the authority to heads of office to deny qualified or recommended male candidates from being selected.

19. The gender policy allows for selection of female candidates when both male and female candidates have been recommended, and all other factors are equal. But it does not provide for cancellation of vacancy announcements when a male candidate has already been recommended or the refusal to select a male candidate when there are no female candidates.

20. The Applicant referred to section 3.4 of ST/AI/2020/5 but argued that in the instant case it is understood that women candidates had applied and at least one of them was interviewed. The Interview Panel however did not recommend any of these women candidates, and presumably these women were given full and fair or superior to competing male candidates and consequently cancelling the complete recruitment is an abuse of discretion.

21. The Applicant referred to the case of *Belsito* where the United Nations

22. However, this case of Belsito present case in that Mr. Belsito was the best qualified person and proposed candidate for the position advertised, and men were under-represented in such management positions at UN Women. The Tribunal notes that no such assertions have been made in relation to the Applicant and JO 13875. The decision is therefore distinguishable unless the Applicant can establish that the circumstances are the same in his case.

23. The Applicant does argue that in this case women candidates applied and were considered but were deemed by the hiring manager/interview panel to not

Under such circumstances, creating reservations for women which has not been provided for under ST/AI/2020/5.

24. The Applicant refers to section 7 of ST/AI/2010/3 (Staff selection system) and concludes that the section only mentions a recommendation that at least one female candidate be included in the list of candidates sent to be cleared by the central review body et al., and continues to propose an alternative course of action where the Administration could have explored if there were any female candidates that could have been recommended from the list, and then seen if the criteria mentioned in section 3.4 of ST/AI/2020/5 could be implemented, instead of cancelling the JO.

25. Finally the Applicant argued that the process of selection has passed the stage where cancellation and re-advertisement would be lawful. Section 6.10 (7) of the that

a job opening cannot be cancelled as long as there is one (1) suitable candidate on the recommended list who has passed the assessment exercise

26. The Applicant submits that the process in this case stage, meaning that candidates were recommended and therefore cancellation of the JO was not permitted.

27. The Applicant submitted that the application was urgent because if the suspension is not granted, he will lose his candidature from the first recruitment and



35. In essence, the R





