



## **Introduction**

1. By application filed on 10 September 2023, the Applicant, a staff member of the United Nations High Commissioner for Refugees (“UNHCR”) in Beirut, Lebanon, contests her non-selection for Senior Human Resources Officer, (“SHRO”) position No. 31000922 in the UNHCR Regional Bureau for the Middle East and Northern Africa in Amman, Jordan.

## **Facts**

2. The Applicant joined UNHCR in 1996. In 2011, she worked in various position at the P-3 level in Human Resources/Administration in four different countries. In 2016, she was appointed to the position of Senior Regional Human Resources Officer in Pretoria, South Africa.

3. Position No. 31000922 was advertised on 21 December 2022 via the first addendum to the Biannual Compendium. The Applicant submitted an application for the position and was shortlisted with two other internal candidates

4. As part of the selection process, the three shortlisted candidates were interviewed for the position on 6 March 2023. (Application, page 3, para.6).

5. The interview panel drew up an “interview questions and competency” sheet to rank the candidates who had been interviewed on 6 March 2023. The competencies were: 1. Motivation, 2. Change capability and adaptability, 3 Managerial competency, 4. Strategic vision; and 5. Teamwork. The interview panel



Headquarters and in the field. The selected candidate had less experience in the applicable field.

12. The Respondent's principal contentions are:

a. The Respondent claims that many of the issues raised by the Applicant are not receivable.

for the position of Senior HR Partner in Pretoria is not receivable *ratione temporis* because it was not filed within 90 days of the management evaluation on 20 December 2019.

14. The Respondent is correct that these claims are not receivable in and of themselves. However, the Applicant argues that the Tribunal should view these



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substitute its own views for those of the interview panel on the adequacy of the interview answers.

28. The Applicant challenges the unsuitability assessment by claiming bias in her non-selection. She says that, in 2015, the then Head of Human Resources Staff Service (HRSS) made “every possible attempt...to pull her out of the duty station” in South Africa. She also points out that this individual was involved in improperly placing a “flag” in another former staff member’s file in 2016.

29. However, any claim of bias by this individual is easily disposed of because that person retired from the Organization in June 2022. Thus, they could not have been involved in the disputed recruitment which began six months later, and the Applicant presents no evidence to the contrary.

30. The Applicant also seems to claim bias by referring to an incident following “the Beirut Blast” in 2020. As she recounts the incident, the Applicant noticed that security evacuation allowances had been improperly calculated and she had brought this to the attention of her manager. The manager acknowledged the error and coordinated necessary recovery efforts. Apparently, the manager involved in 2020 was subsequently the hiring manager in the challenged recruitment, and the Applicant implies that this showed bias in the recruitment.

31. The jurisprudence is clear that “[a]llegations of discrimination, improper motive and bias are very serious and ought to be substantiated with evidence.” *Ross* 2019-UNAT-944, para. 25.

32. There is no evidence that the Applicant’s pointing out the error in calculating security evacuation allowances in 2020 somehow biased the hiring manager towards the Applicant in 2023. The entire exchange is set forth in an email chain, which appears quite cordial. The Applicant says, “I also want to draw your kind attention to one typo error in relation to the dependant’s [sic] SE allowances.” To which the manager replies “Indeed, unfortunately, there is a typo in my email ([and] thanks for pointing it out!)” No reasonable person could infer any ill will from that incident.



33. Perhaps recognizing this, the Applicant mentions unconscious bias or unconscious prejudice as discussed in *Sobier* 22-UNAT-1208. However, an objective analysis of the circumstances surrounding the contested selection decision also does not lead one to conclude that bias was established. Unlike in *Sobier*, the record here is devoid of any procedural irregularities. There is no evidence that the panel deviated from its planned questions or asked the Applicant different questions from those asked of the other candidates. There is also no evidence that the Applicant's answers were inaccurately recorded. Therefore, there is no basis on which to find unconscious bias in the interview process in this case.

34. Thus, the Applicant has failed to bear her burden to present evidence showing that bias played any role in the challenged non-selection decision.

35. In her rejoinder, the Applicant also points out that the Professional Summary annexed to the Respondent's reply "shows only summary of four years of performance evaluation from 2021 up to 2018 (i.e., missing 2017)" and that her 2017 record would show her "exceptional performance".

36. It is true that the Applicant's performance evaluation for 1 January to 31 December 2017 was "exceeds performance expectations." But the Fact Sheet also notes that she "did not complete the final evaluation, as Supervisor, within the set deadline in [a subordinate's] ePAS for the period as 01 January 2017 – 31 December 2017." In addition, the annexed Professional Summary is not dated, and it is not clear that it was used in the recruitment process at all. (The Respondent only cites it to support its statement that the Applicant holds an indefinite appointment.)

37. More importantly, the records indicate that the Applicant's past performance ratings were not the cause of her non-selection; it was her poor performance in the interview. Therefore, assuming that the annexed professional summary printout was used in the recruitment, any irregularity in printout only showing four rather than five years was immaterial.

38. The Applicant also claims that there was a "leakage of information in confirmation of pre-arranged outcome for the Senior Regional HR Office, P4 vacancy." The claim is that, almost two months before the interviews for the

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challenged selection, the Senior HR Partner at the Amman Regional Bureau (RB)

**Conclusion**

42. In view of the foregoing, the Tribunal DECIDES:

To deny the application in its entirety.

*(Signed)*

Judge Sean Wallace

Dated this 11<sup>th</sup> day of September 2024

Entered in the Register on this 11<sup>th</sup> day of September 2024

*(Signed)*

Wanda L. Carter, Registrar, Nairobi