





7.





e. The proper procedures were followed. All the candidates were informed that during the test they could search the Internet or use dictionaries and other reference material, and the fact that this possibility was given to them does not render the process flawed. Further, the candidates were informed that they were not allowed to seek help from anyone. The fact that internal revisers corrected the test does not prove that they were biased, especially since the tests were evaluated anonymously. The Applicant did not suffer any prejudice as a result of the written test since he passed it;

f. There is no evidence of bias or discrimination on the part of the interview panel as the Applicant was recommended for the advertised positions and placed on the roster. The selected candidates had performed better than the Applicant during the interview and the Director-General of UNOG exercised his discretionary authority in making the final selection decision;

#### Urgency

g. Since both successful candidates were offered and accepted the posts, the decision has been implemented and can no longer be suspended;

#### Irreparable damage

h. The contested decision did not cause any harm to the Applicant's professional reputation or career prospects given that he was recommended and placed on the roster.

#### Consideration

14. rsiYHvHFpcc-LprkWvYpYLprwv-YYc,LlrkvwHbc-LtrYYvFbFwLerkYHvvH,,pL rkFY-HFHL









third female candidate, were recommended by the hiring manager as meeting the requirements of the posts and subsequently endorsed by the Geneva Central Review Committee. Further, as noted in paragraph 25 above, the Applicant received the lowest mark on the written test and he had the lowest average daily productivity. Therefore, even assuming that one of the selected candidates did not have the required work experience and was thus ineligible for the advertised posts, it cannot be concluded that the Applicant would have been selected, especially since administrative instruction ST/AI/1999/9 (Special measures for the achievement of gender equality) provides:

1.8 (a) Vacancies in the Professional category and above shall be filled, when there are one or more women candidates, by one of those candidates provided that:

- (i) Her qualifications meet the requirements for the vacant post;
- (ii) Her qualifications are substantially equal or superior to those of competing male candidates...

#### Conclusion

30. In view of the foregoing, the application for suspension of action is rejected.

(Signed)

Judge Thomas Laker

Dated this 31<sup>st</sup> day of May 2012

Entered in the Register on this 31<sup>st</sup> day of May 2012

(Signed)

René M. Vargas M., Registrar, Geneva