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## **Introduction**

1. On 8 February 2018, the Applicant, a Population Affairs Officer at the P-4 level in the Population Division, Department of Economics and Social Affairs (“DESA”) filed an application contesting the decision not to select him for the position of Statistician, at the P-4 level, in the Demographic Statistics Section, Statistics Division, DESA (advertised as Job Opening 68059 (“Job Opening”).

2. The case was initially assigned to Judge Greceanu. Following the end of Judge Greceanu’s tenure with the Dispute Tribunal, this case was re-assigned to the undersigned Judge on 1 July 2019.

## **Facts**

3. The Job Opening for the position of Statistician, at the P-4 level, in the Demographic Statistics Section, Statistics Division was advertised on Inspira (the online United Nations jobsite) on 14 October 2016.

4. The Applicant applied for the position on 12 December 2016, by submitting his Personal History Profile (“PHP”).

5. The Applicant was one of the 143 job applicants released to the hiring manager after the pre-screening process for further evaluation. The hiring manager evaluated whether each job applicant demonstrated in their PHP that they met the education, work experience and language criteria set out in the Job Opening. Upon review of the Applicant’s PHP



is desirable. [4] Experience in developing training curricula for demographic statistics is desirable.

11. At this juncture, the Tribunal recalls that its scope of review is limited. In *Sanwidi* 2010-UNAT-084, the Appeals Tribunal stated that “the role of the Dispute Tribunal is to determine if the administrative decision under challenge is reasonable and fair, legally and procedurally correct, and proportionat

15. On review of the record, the Tribunal finds that the hiring manager did conduct a full and fair assessment of the Applicant's candidacy and finds the hiring manager's assessment that he did not meet the first two work requirements to be reasonable for the following reasons.

16. First, the hiring manager found that the Applicant did not meet the requirement of "seven years of progressively responsible experience in the collection, compilation, analysis and dissemination of statistical data". The Respondent explained as background that the Demographic Statistics Section dispatches seven questionnaires annually, and its work includes designing the questionnaires, dispatching the questionnaires, validating and processing replies, collating and disseminating statistics. The Respondent explains that experience in this field is usually acquired in a statistical office (national or international), and that the Applicant does not have experience of working in a statistical office. The Respondent further explains that work in this field entails ~~develop~~ Tf1 0 0 1 33g612 792\*n









population and housing censuses, civil registration and vital statistics at national or international level is required”.

26. The Tribunal finds that progressively responsible experience in the Job Opening in question reflects the relevant generic job profile. The Tribunal finds it is reasonable for the hiring manager to set additional work requirements which ensure that the selected candidate has the required skills and expertise for the position in question. The Appeals Tribunal has recognized the Secretary-General’s broad discretion to establish minimum work experience requirements, including in determining the pertinent job criteria for a given post (*Nikolarakis* 2016-UNAT-652).

27. In respect of the second issue, the Applicant states that some of the experience to which the Respondent refers to is not needed in order to successfully perform the duties of a P-4 Statistician in the United Nations Statistics Division and was not listed as one of the required criteria. The Applicant contends that the hiring manager erred in evaluating the first criterion with a focus on “experience in a statistical office, national or international”, which was not mentioned as a requirement in the vacancy announcement and that some of required work experience, such as collection of individual data in population censuses or sample surveys, is conducted by national statistical offices and not by United Nations Statistics Division.

28. In terms of the selection criteria, the Tribunal recalls that it is not the function of the Tribunal to prescribe to management what their selection criteria should be for a particular position (*Charles* UNDT/2011/159). However, as noted in *Smith* 2017-UNAT-785, “[T]he discretion to introduce criteria in the interests of operational requirements or efficiency is not unfettered and must be exercised lawfully, reasonably and fairly. The choice of eligibility criteria and their application must be reasonable, or at least rationally based, in the sense, inter alia, of not being arbitrary, capricious, improperly motivated or based on irrelevant considerations”.

29. The Tribunal finds that the hiring manager did not introduce additional criteria to evaluate the job candidates. Contrary to the Applicant’s claim, the Tribunal

finds no indication that experience in the first mandatory field was required

another job candidate's interview performance being taken into consideration at the preliminary evaluation stage.

34. The Respondent maintains that the hiring manager evaluated the job applicants' work experience requirements in a thorough and consistent manner. The Respondent addresses the discrepancies within the comparative analysis table stating that the summary evaluation of a candidate who was shortlisted contains a transposition error and that the comments regarding the candidate's interview performance ought to have been recorded in another "window" in Inspira. The Respondent further states that the Applicant correctly points out two minor errors in the comparative analysis table. Two job applicants ought to have been evaluated as "Not Suitable" rather than "Long List". However, the Respondent submits that this minor error had no impact on the Applicant's chances of selection.

35. Having reviewed the numerous irregularities raised by the Applicant, the Tribunal finds that they are minor procedural flaws which did not impact the Applicant's right to be fully and fairly considered. It is the consistent jurisprudence of the Appeals Tribunal that an irregularity in a selection process has no impact on the status of a staff member when he or she had no foreseeable chance of selection (*Bofill* 2011-UNAT-174; *Ross* 2019-UNAT-926). It follows that it is not sufficient for an applicant to point out irregularities in the selection procedure, but the applicant must be able to establish a link between the irregularities and the failure to recommend the Applicant. The Applicant has failed to do so in this case.

36. Based on the above, the Tribunal finds that the Applicant's application was fully and fairly reviewed by the hiring manager and it was within the reasonable discretion of the Organization

## **Conclusion**

37. In light of the foregoing, the