



Case Nos. UNDT/NY/2018/045

UNDT/NY/2019/012

selected candidates were all on the roster. It was the head of office that made the

selecti





it was not possible to have raised a gender bias claim in his management evaluation request. In that sense, this case is distinguishable from *Alito* 2015-UNAT-540 where the applicant raised the allegations of past discrimination for the first time before the Dispute Tribunal, when the applicant could have raised such allegations in the management evaluation request.

26. Accordingly, the Tribunal finds that the application in Case No. UNDT/NY/2018/045 is receivable. The issue for the Tribunal is whether the contested decision is unlawful for being tainted by gender bias.

*Whether the Applicant was given full and fair consideration*

27. It is well established that the Secretary-General has broad discretion in matters of staff selection. When reviewing such decisions, the

system), which provides that [c]andidates included in the roster may be selected by the head of department/office for a subsequent job opening, without reference to a central review body . DSS particularly selected female candidates according to the DSS Strategy on Gender Equality and the Empowerment of Women 2015-2019.

30. The Applicant claims that

disparities at senior management and the General Service/Security and Safety Service levels, and stated that DSS will develop the action plan which will address, among other things, hiring procedures and decisions that are appropriately informed by gender balance targets and retention and promotion of female talent (pages 10-11).

34. The Respondent also submits a comparative matrix which shows the performance records of nine rostered candidates and claims that their past performance was also considered in the selection. However, neither the selection memorandum nor the response to the Applicant's management evaluation presents the performance records of



**Conclusion**

37. In light of the foregoing, the Tribunal rejects the applications in Case Nos. UNDT/NY/2018/045 and UNDT/NY/2019/012.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 24<sup>th</sup> day of April 2020

Entered in the Register on this 24<sup>th</sup> day of April 2020