

# 2015-UNAT-536, Zhao, Zhang and Xie

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. With respect to the application of Section 1. 8(d) of ST/AI/1999/9 to Ms Xie, UNAT clarified that the requirement, that the Hiring Manager must submit a written analysis indicating how the qualifications and experience of the recommended candidate are “clearly” superior to those of female candidates who were not recommended, refers to the final stage of the selection process, i. e. it is when making his or her final recommendation for the selection of a male candidate over a female candidate, to the head of department/office, authorized to select the candidate. UNAT, therefore, rejected the Secretary-General’s contention that a specific written analysis comparing the qualifications and experience of the recommended candidate and Ms Xie was not required at the time the Hiring Manager submitted the recommendation memorandum to the Director-General of UNOG. UNAT dismissed the Secretary-General’s appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

Three staff members, all interpreters at the P-4 level in the Interpretation Service, UN Office at Geneva (UNOG) contested the decision not to select him or her for an advertised position of Senior Interpreter at the P-5 level. UNDT found that the selection process had been marred by several irregularities, including, among others, that the Hiring Manager’s conversion of the panel’s rating to the Inspira rating scale had resulted in a distortion of the candidates’ ratings, that the panel had given misleading instructions to interviewees, and that the Hiring Manager had failed to indicate in the recommendation memorandum how the qualifications and experience of the recommended candidate were clearly superior to those of Ms Xie, as a female candidate, in breach of Section 1. 8(d) of ST/AI/1999/9. UNDT ordered the rescission of the selection decision and awarded in-lieu compensation in the amount of USD 3,000 to Mr Zhuang and USD 4,000 to Ms Xie as well as compensation for moral harm in the amount of USD 4,000 to each of the three staff

members.

## Legal Principle(s)

The obligation to submit a written analysis indicating how the qualifications and experience of the recommended candidate are “clearly” superior to those of female candidates who were not recommended refers to the final stage of the selection process, i. e. it is when making his or her final recommendation for the selection of a male candidate over a female candidate, to the head of department/office, authorized to select the candidate, that the Hiring Manager must submit such written analysis.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Zhao, Zhang and Xie

## Entity

UNOG

## Case Number(s)

2014-612

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

2 Jul 2015

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Discrimination and other improper motives

Gender

Staff selection (non-selection/non-promotion)

Eligibility

Full and fair consideration

Selection decision

## Applicable Law

Administrative Instructions

- ST/AI/1999/9
- ST/AI/2010/3

## Related Judgments and Orders

UNDT/2014/036

2011-UNAT-122

2014-UNAT-471

2015-UNAT-526

2011-UNAT-141

2013-UNAT-377