

Decision in case 181/2019/PB on how the European Investment Bank conducted a job interview

Decision

Case 181/2019/PB - Opened on 23/01/2020 - Decision on 23/01/2020 - Institution concerned European Investment Bank (No maladministration found) |

The complainant sat a written test and interview at the European Investment Bank (EIB) as part of a recruitment procedure. She complained to the Ombudsman about the interview panel's allegedly disrespectful behaviour towards her. She also alleged that the internal review of her case conducted by the EIB was not impartial.

The Ombudsman stresses the importance of carrying out job interviews in a professional and respectful manner. In this case, the complainant left the interview with a sense of not having been treated with respect. To seek to avoid the types of issue that arose in this case in future, the Ombudsman drew attention to the shortcomings she identified and closed the case with a suggestion for improvement.

Background to the complaint

1. As part of a recruitment procedure, the European Investment Bank (EIB) invited the complainant for a written test and an interview, which she did not pass.
2. The complainant considered that a member of the interview panel had made inappropriate statements at the interview. She was critical of the fact that this person was later involved in dealing with her initial complaint to the EIB about the recruitment procedure.
3. The complainant was also more generally critical of the interview questions and the level of transparency of the scoring methods.

Statements at the job interview

4. The complainant gave two examples of statements she alleged were made during the interview that she considered to be inappropriate.



5. The first statement she attributed to the panel member was: “ *you are Italian, we have many Italians here, Luxembourg is full of Italian people* ”. The second was: “ *You have a Ph.D, right?* ”, and when she confirmed, “ *Don't think you can be a primadonna here, there are many other people with a Ph.D* ”. The complainant considered the first comment “implicitly racist” and the second one rude and sexist.

6. The complainant asked the EIB to look into this matter. The EIB handled her complaint through its ‘Complaints Mechanism’.

7. In its first reply, the EIB stated that the four panel members did not recall any inappropriate behaviour. They considered that the interview had been conducted in a professional and respectful way. The EIB nonetheless added that “... *because we work in a multicultural environment, we know that perceptions of attitudes can be interpreted differently by different persons, and therefore would like to apologise if you had a perception that the environment was not respectful but would like to ensure you that it was not the intention of any of the participants in the panel* ”.

8. The complainant did not find this reply satisfactory. She therefore made a formal request for review (a confirmatory complaint).

9. The EIB conducted a more detailed inquiry and confirmed, in summary, its initial main findings. However, it was more specific regarding the two statements.

10. Regarding the reference to the complainant’s nationality, the panel member argued that “ *the question of Italian nationality was only mentioned for integration purposes with no other intention than that* ”.

11. Regarding the second contested statement, the same panel member “ *did not recall if the word ‘primadonna’ had been used but explained that there was a context in which it could have been used, to highlight that all the members of the team are highly qualified and are required to work as a team (equals amongst equals)* ”.

12. The Ombudsman notes that, like most job interviews in EU institutions, the job interview in question was not recorded. This means that the evidence is limited. The inquiry work done by the EIB’s Complaints Mechanism, which included speaking to the panel members, has therefore been most helpful.

13. While there is obviously scope for the statement about the complainant’s nationality to be interpreted in different ways, including in the way suggested by the complainant, the Ombudsman finds plausible the explanation given. At the same time, given the panel members’ stated sensitivity to the fact that they work in a multicultural environment, greater caution should be exercised in future.

14. The EIB’s inquiry did not establish whether the panel member concerned had made the second contested remark, although it did not rule it out. The Ombudsman finds that there is no



conclusive evidence regarding this remark. While the remark would not, in and of itself, necessarily amount to maladministration, it comes across as disrespectful.

15. In this context, the Ombudsman finds it appropriate to stress the importance of carrying out job interviews in a professional and respectful manner. Whilst the evidence is not conclusive, the Ombudsman has no reason to doubt that the complainant left the interview with a genuine sense of not having been treated with respect. This should not have occurred. If a post of an EU institution or body requires resilience or the ability to handle unforeseen situations to be tested, that can be done through professional means such as assessment centres.

16. The Ombudsman trusts that the EIB will ensure that panel members in staff selection procedures receive appropriate training to be able to assess candidates' skills, such as the ability to work in a team, without the risk of their comments being perceived as disrespectful, or worse.

How the EIB dealt with the complaint about the recruitment procedure

17. The complainant argued that the panel member whose behaviour was the main object of her grievances had been fully informed about, and apparently involved in the handling of, her initial complaint to the EIB. She was concerned that this panel member had unduly influenced the other panel members in the EIB's internal inquiry because he held a higher position.

18. There was no maladministration in the EIB's informing the panel member concerned. He was the object of the complainant's allegations. He therefore had a right to be informed and to be heard.

19. However, the EIB's initial reply to the complainant was co-signed by the panel member concerned. It was therefore not unreasonable for the complainant to wonder whether he had been involved in handling allegations against himself. The Ombudsman will make a suggestion at the end of this decision to avoid such situations in the future.

20. Regarding the complainant's concern that the panel member had unduly influenced the other panel members in the EIB's internal inquiry, the Ombudsman notes that there is no concrete evidence to suggest this. From a practical point of view, it is not possible to avoid situations in which only staff of the same, or higher, grade as the person against whom allegations have been made can be heard about the allegations. There is nothing in this case that would call into question the integrity of the other panel members or the professionalism of the internal investigators who heard the other panel members.

The assessment and outcome of the job interview

21. The complainant criticised the content of some of the questions that the interview panel



asked her. She also expressed concern about the scoring methods, noting that she had not received relevant documents that would allow her to take an informed view of the process.

22. EU institutions have a broad margin of discretion in organising their staff recruitment procedures and carrying out the evaluations of individual candidates. The Ombudsman will conduct an in-depth review only if there are indications of, for instance, abuse of power, discrimination or manifest errors of assessment. There are no such indications in this case.

23. Regarding the concern about a possible information deficit, it is good practice to provide feedback to interviewed candidates, where this is requested and to disclose the breakdown of scores, where available. As the complainant is of the view that she did not receive relevant documents, she could consider making a precise and structured request for access to documents and information under the EIB's applicable rules and procedures [1] .

Conclusion

While the Ombudsman has identified a number of shortcomings in this case, she finds no evidence of maladministration.

The complainant and the European Investment Bank will be informed of this decision .

Suggestion

The EIB's initial reply to the complainant was counter-signed by the member of the interview panel whose behaviour the complainant had expressed grievances about. In light of the misunderstandings that this may give rise to, the Ombudsman invites the EIB to examine whether counter-signatures in future similar cases should be avoided.

Emily O'Reilly

European Ombudsman

Strasbourg, 23/01/2020

[1] <https://www.eib.org/en/infocentre/registers/request-form/index.htm> [Link]

