

Summary of BS (No. 2) v. IBRD, Decision No. 545 [2016]

The Applicant challenged the 16 June 2015 decision of the Vice President of Human Resources (HRVP) following an investigation by the Office of Ethics and Business Conduct (EBC). The Applicant claimed that the Bank violated his rights with respect to the EBC investigation that resulted in the HRVP's decision of 16 June 2015, that the Bank retaliated against the Applicant, and that the Bank has caused harm to him.

First, The Tribunal rejected the Applicant's claim that it was retaliatory on the part of the Applicant's manager and a Director in the Africa Region to report to EBC allegations of misconduct against the Applicant. The Tribunal found that the manager and the Director in the Africa Region had a proper basis for filing allegations of misconduct against the Applicant.

Second, the Tribunal found that EBC had a sufficient basis for pursuing an investigation into the allegations of misconduct against the Applicant. The Tribunal did not accept the Applicant's argument that the investigation was wrongful because the HRVP concluded that no misconduct occurred. The Tribunal noted that the focus should be whether EBC had a sufficient basis to commence an investigation and whether it conducted the investigation in a reasonable manner while respecting the Applicant's due process rights. The Tribunal was satisfied that EBC acted reasonably and consistently with the Applicant's due process rights. The Tribunal also held that the decision to place the Applicant on paid administrative leave was not an abuse of discretion.

Third, regarding other claims of retaliation, the Tribunal was not convinced that the Country Director, the Applicant's manager, or the Country Manager of Country X retaliated against the Applicant. The Tribunal found that management's instructions or actions regarding the Applicant were legitimate exercises of managerial prerogative. The Tribunal found no basis for the Applicant's claims of retaliation.

Finally, the Tribunal concluded that that there was no wrongdoing on the part of the Bank for which it must pay compensation to the Applicant.

Decision: The Tribunal dismissed the Application.